

GAHC010080762023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/1374/2023

ANAND SHARMA
S/O SANWAR MAL SHARMA
R/O NALBARI TOWN, WARD NO. 2, BIDYAPUR, P.O. AND P.S. NALBARI IN
THE DISTRICT OF NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G N SAHEWALLA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 05.06.2023

Heard Mr. P. Bora, learned senior Counsel assisted by Mr. K. Bhattacharjee, learned counsel appears for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. By this application under Section 438 of Cr. P.C., the petitioner, namely, Anand Sharma is seeking Anticipatory Bail apprehending arrest in connection with an FIR dated 23.02.2023, which is registered as Belsor Police Station case No. 56/2023, registered under Section 409 of IPC.

3. This Court by earlier order dated 12.04.2023 while calling for case dairy had granted interim bail to the petitioner.

4. The case dairy called for has been produced by Mr. B. B. Gogoi, learned Additional Public Prosecutor appears for the State of Assam. The case dairy produced has been carefully perused.

5. Upon perusal of the case dairy it is seen that the petitioner stated before the Investigating Officer that he has defalcated with the amount of Rs.5,00,000/- (Rupees five lakhs) only which however was returned back to the bank. The allegations in the FIR are that the petitioner had defalcated an amount of Rs.5,00,000/- (Rupees five lakhs) only and he had left the branch without permission of the Bank officials and without handing over the day end cash to the Branch Manager. The petitioner stated before the Police that there was a default on his part and in respect of the said amount which however, he has returned back.

6. From the materials available in the case dairy it is seen that the matter is under investigation. There are no materials to suggest that petitioner did not comply with the directions

issued by this Court while grant of interim bail. No materials are seen from the case diary to suggest that pursuant to grant of interim bail, the petitioner did not abide by the conditions mentioned in the said order or that the continuation of the interim bail granted will be cause any impediment with the investigation that is carried on.

7. Upon due consideration of the materials available before this Court, this Court is of the view that the interim bail granted vide order dated 12.04.2023 can be made absolute. The interim bail granted earlier is therefore made absolute on the same conditions mentioned in the said order. It is further directed the petitioner will appear before the Investigating Officer on every 15 (fifteen) days till completion of the investigation.

8. Accordingly, bail petition is allowed and disposed of.

9. Return the case diary.

JUDGE

Comparing Assistant