

GAHC010126032023



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

Case No. : AB/1440/2023

BEDANTA DEKA
S/O LATE MAHENDRA NATH DEKA
WARD NO
1
MILAN PATTY
KAMPUR TOWN
P.S.- KAMPUR
DIST.- NAGAON
PIN- 782426.

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED P.P.
ASSAM.

Advocate for : MR. P DEKA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 17.07.2023

Heard Mr. P. Deka, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This anticipatory bail application has been filed by the petitioner, namely, *Bedanta Deka* apprehending his arrest in connection with BI(EO) P.S. Case No. 9/2023 under Section 120B/ 166/406/409/418 of IPC.

The accusation against the petitioner is that while he was working as Branch Manager of Kampur Branch of Central Bank of India had indulged in unauthorized financial transactions for which departmental proceedings were also drawn against him and ultimately he was removed from his service.

It is submitted by the learned counsel for the petitioner that the petitioner also filed an appeal against his this removal which was dismissed. Thereafter, on 09.02.2023, the Regional Head of Central Bank of India, had lodged an FIR before the Director, Bureau of Investigation, Economic Offences Wing, Guwahati and BI(EO) P.S. Case No. 9/2023. It is also submitted by the learned counsel for the petitioner that this Court by order dated 21.04.2023 had granted interim bail to the present petitioner and in pursuant to the order of this Court, the petitioner appeared before the Investigating Officer on 25.04.2023 and his statement has also been recorded by the Investigating Officer.

The learned counsel for the petitioner has also submitted that the petitioner is ready to cooperate with the Investigating Officer and as he has already been dismissed, he is not in a position to influence the investigation in any manner.

On the other hand, learned Additional Public Prosecutor submits that the petitioner has appeared before the Investigating Officer and his statement has also been recorded. She also submits that there are incriminating materials against the present petitioner and the Investigating Officer of the case has raised objection against bail of the present petitioner on merit.

Considering the submissions made by learned counsel for the petitioner as well as learned Additional Public Prosecutor, this Court is of considered view that as

the petitioner has appeared before the Investigating Officer in pursuant to the order of this Court and is cooperating with Investigation and as he is no longer in service, he is not in a position to influence the investigation in any manner, his custodial detention may not be necessary, if he otherwise cooperate with the Investigating Officer.

In view of the above, the interim anticipatory bail granted to the petitioner by order dated 21.04.2023 by this Court is hereby made absolute with condition Nos. 2, 3 and 4 remaining intact. The petitioner shall abide by the said conditions attached to the interim anticipatory bail application.

With the above observation, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant