

GAHC010146622023



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

Case No. : AB/2329/2023

DEVESH MISHRA
S/O- SRI SARV DEO MISHRA, RESIDENT OF 2ND FLOOR, CHANDRA
COMPLEX, UCO BANK BUILDING, RANGAGORA ROAD, TINSUKIA- 786125,
ASSAM

VERSUS

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

Advocate for the Petitioner : MR. N D SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30.06.2023

- 1.** Heard Mr. S. Nag, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure, 1973 by one Sri Devesh Mishra, who is apprehending arrest in connection with Kamrup(M), BI(E.O.) Case No. 21/2017 under Section 419/420/406/468/471 of

the Indian Penal Code.

3. The accusation against the present petitioner is that he is an Advocate by profession and is an empanelled counsel of Central Bank of India and he on 21.01.2015, had submitted a legal scrutiny report to the Central Bank of India in connection with a loan by one Atish Chandra Bagchi. It is also stated that irregularities were found in the account of the said Atish Chandra Bagchi and in that connection the Regional Manager, Central Bank of India, Assam Regional Office, Jorhat has lodged a complaint on 30.10.2017 before the Director, Bureau of Investigation, Economic Offences Wing.

4. The learned counsel for the petitioner also submits that in connection with the said case, the petitioner received two notices on 20.06.2023 and asking him to appear before the Bureau of Investigation on 17.06.2023 and similarly another notice was received by him on 27.06.2023 asking him to appear before the Bureau of Investigation on 23.06.2023 in connection with BI(E.O.) Case No. 21/2017.

5. The learned counsel for the petitioner submits that as both the notices were received by the petitioner after the date mentioned in the said notice, on which he was required to appear, it was not possible on his part to appear before the Bureau of Investigation. Now the petitioner is apprehending his arrest in connection with the said case.

6. I have heard the learned Additional Public Prosecutor for the State.

7. Considering the submissions of learned counsel for both sides as well as on perusal of the documents available on record and also considering the fact that the notices received by the present petitioner which were issued to him by Bureau of Investigation were post-dated notices, the petitioner is directed to

appear before the Bureau of Investigation (E.O.) within 10(ten) days from the date of this order and shall cooperate with the Investigating Officer for the said case, if he does so within the stipulated period of time, in the event of his arrest in connection with BI(E.O.) Case No. 21/2017, he shall be allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of the like amount to the satisfaction of the arresting authority.

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

JUDGE

Comparing Assistant