

GAHC010166262023



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

Case No. : AB/2611/2023

TINA TALUKDAR
D/O BITUL TALUKDAR
R/O LACHIT NAGAR (NEAR NABARUP SANGHA)
P.S. DIBRUGARH
DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P P DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.08.2023

Heard Mr. P.P. Dutta, learned counsel for the applicant. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with BI(EO) P.S. Case No.11/2023 registered

under Sections 120(B)/420/406/409/468/471 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant Tina Talukdar for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Ugresh Kumar, General Manager, Assam Gramin Bikash Bank, Guwahati on 15.03.2023. The essence of allegation made against the applicant in the FIR is that she took a car loan amounting to ₹ 13,00,000/- for purchasing two brand new Ford vehicle and upon investigation and verification of the vehicle identification number at Vahan portal, it has been found that out of two cars, one stands registered in the name of one Gopal Hazarika of Jorhat and the other car was registered in the name of Kalyan Das of Sivsagar and the car registered in the name of Kalyan Das was found to be hypothecated in favour of the SBI, Colony Branch, Sivsagar and no hypothecation was made in favour of the Assam Gramin Bikash Bank, and thereby she had defalcated and misappropriated public money.

4. Mr. Dutta, learned counsel for the applicant submits that vide order dated 28.07.2023, this Court was pleased to grant interim protection to the applicant and pursuant to the said order dated 28.07.2023, the applicant had appeared before the I.O. and she has been cooperating with the investigating agency. Referring to Annexure-6 and 7 of the petition, Mr. Dutta submits that the applicant had already liquidated the loan amount on 17.03.2023 and that she is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 28.07.2023, absolute in the same terms and conditions.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected materials against the applicant and therefore, he has opposed granting anticipatory bail to the applicant. However, Mr. Baruah submits that in view of the order of this Court dated 28.07.2023, the applicant had appeared before the I.O. and her statement is also recorded.

6. Having heard the submission of learned Advocates of both sides, I have carefully

gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Addl. P.P.

7. It appears that the applicant was granted interim protection vide order dated 28.07.2023, and pursuant to the said order, the applicant appeared before the I.O. and she has been extending cooperation with the investigating agency. Further, it appears from the Annexure-6 and 7 of the petition that she had already liquidated the loan amount and closed her account on 17.03.2023.

8. In view of above, and also in view of the materials collected so far in the case diary as well as progress of investigation, her custodial interrogation seems to be not warranted here in this case and accordingly, the interim order dated 28.07.2023 is hereby made absolute in the same terms and conditions.

9. In terms of above, this anticipatory bail application stands disposed of.

10. CD be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant