

GAHC010193152023



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

Case No. : Bail Appln./3041/2023

PINKI DAS
W/O JAYANTA MECH R/O VILL. NOTHONG GAON P.S KHATKHATI DIST.
KARBI ANLONG ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP ASSAAM

Advocate for the Petitioner : A W AMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

25.09.2023

Heard Mr. S. Nawaz, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State of Assam.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Pinki Das, who has been detained

behind the bars since 25.07.2023(since last 62 days), in connection with Khatkhati Police Station Case No. 71/2023 under Sections 409/420 of the Indian Penal Code, 1860.

The accusation in this case is that on 20.07.2023, the Branch Manager of Assam Gramin Vikash Bank, Khatkhati Branch lodged an FIR before the Officer-In-Charge of Khatkhati Police Station, *inter-alia*, alleging that the present petitioner, who was appointed as an agent under Joint Liability Group scheme of the bank, by taking advantage of innocence and ignorance of the members of the Joint Liability Group scheme collected sign withdrawal slips from the authorized signatory of the Joint Liability Group members and withdrawn an amount to the tune of more than Rs. 26,00,000/- (Rupees Twenty-Six Lakhs) from the account of the Joint Liability Group members maintained in the Assam Gramin Vikash Bank, Khatkhati Branch.

On receipt of the said FIR, Khatkhati P.S. Case No. 71/2023 was registered.

Learned counsel for the petitioner has submitted that the present petitioner has been falsely implicated in the case and she is innocence.

It is also submitted that she had handed over the loan withdrawal slip collected from the members to the Branch Manager of the bank and it is submitted that it is the Branch Manager of the bank who had embezzle the money of the members of the Joint Liability Group scheme.

It is also submitted by the learned counsel for the petitioner that the petitioner was pressurized to admit her guilt by the Branch Manager of the bank, who had kept the petitioner forcibly confined in a hotel at Khatkhati.

Learned counsel for the petitioner has also submitted that the petitioner is a permanent resident of Nothong Gaon under Khatkhati P.S. and considering the

period of detention already undergone by the petitioner, she may be allowed to go on bail.

On other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor vehemently opposed the grant of bail to the present petitioner. He also placed the case diary of Khatkhathi P.S. Case No. 71/2023, which was called for in this case before the Court.

It is submitted by learned Additional Public Prosecutor that there are sufficient incriminating materials against the petitioner in the case diary and considering the quantum of money involved in this case and also the fact that there are other co-accused, who might have been involved in this case, he opposed the grant of bail to the present petitioner at this stage.

I have perused the materials available on record, including the case diary of the Khatkhathi P.S. Case No. 71/2023, and also considered the submissions made by learned counsel for both the sides.

On perusal of the case diary, it appears that there are sufficient incriminating materials regarding her involvement in the alleged offence and considering the nature of this case and quantum of money alleged to have been misappropriated, this Court is of the considered opinion that this is not a fit case to enlarge the petitioner, Smti. Pinki Das on bail at this stage.

Hence, the prayer for bail is rejected.

Send back the case diary.

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

JUDGE

Comparing Assistant