

GAHC010210022023



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

Case No. : AB/3232/2023

SANTOSH KR CHAKRAVARTY
S/O- LATE GANGA NATH SHASTRI,
R/O- UPPER HENGRABARI, NEAR NABAJYOTI CLUB, H. NO- 676 A,
P.O- HENGRABARI,
P.S- DISPUR, DIST- KAMRUP METRO, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19-10-2023

Heard Mr. P. K. Munir, learned counsel for the petitioner and Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the State.

2) By this application under Section 438 CrPC, the petitioner, namely, **Santosh Kr. Chakravarty**, apprehending his arrest is seeking pre-arrest bail in **BI(EO) Police Station Case No. 05/2022** registered under Sections 120B/420/406/409 IPC.

- 3) The petitioner earlier approached this Court for his pre-arrest bail in said BI(EO) Police Station Case No. 05/2022 in AB No. 1914/2023 and the Court after consideration of the materials in the case diary, rejected the said pre-arrest bail application of the petitioner vide order dated 08.06.2023, passed in said AB No. 1914/2023.
- 4) Petitioner stated that he is a valuer of the property on behalf of the Bank concerned i.e., Punjab National Bank.
- 5) Petitioner has also placed before the Court a copy of the order dated 31.08.2023, passed in AB No. 1998/2023 by a co-ordinate Bench of this Court, whereby the co-accused of the case, namely, Mr. Dhiraj Baruah, concerned empanelled lawyer of the Bank was granted bail.
- 6) It is also placed before the Court by the learned counsel for the petitioner that another co-ordinate Bench on 14.06.2022 in AB No. 1623/2022 granted bail to two of the employees of the Punjab National Bank, Bhangagarh Branch involved in said BI(EO) P. S. Case No. 05/2022.
- 7) Perused the case diary produced before the Court today by Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam, which indicates that the petitioner being the valuer of the Bank did not follow the relevant procedures while valuing the land mortgaged by the lonee with the Bank. In the note, the concerned Investigating Officer also indicated that the petitioner is the empanelled valuer of the Bank, who along with the other accused persons willfully and in a pre-meditated fashion conspired giving benefit to the borrower for sanctioning a loan amount of Rs.1,98/- Crore, without complying with the guidelines laid down by the Bank authority for their intentional and illegal personal wrongful gain.
- 8) Considering the above, this Court is of the view that custodial detention of the petitioner in said BI(EO) P. S. Case No. 05/2022 is not warranted so as to investigate the same and therefore, this pre-arrest bail application of the petitioner is accepted.
- 9) Accordingly, in the event of arrest of the petitioner, namely, **Santosh Kr. Chakravarty** in connection with said BI(EO) P. S. Case No. 05/2022, he shall be released on bail on furnishing bail bond of Rs. 1,00,000/- with two local sureties each of the like amount to the satisfaction of the arresting authority subject to the conditions that the petitioner shall (i) appear before the concerned I.O. of said BI(EO) P. S. Case No. 05/2022 on or before **27.10.2023** and thereafter, as and when he is required for necessary investigation of the said case; (ii) not leave the territorial jurisdiction of the BI(EO) P. S. without prior written permission of the concerned I.O. of the case;

(iii) not threat or intimidate the witnesses of the case and **(iv)** shall not hamper or tamper any evidence of the case and shall co-operative with the Investigation Officer for necessary investigation of the aforesaid case.

10) Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail hereby granted to him in said BI(EO) P. S. Case No. 05/2022 shall stand automatically vacated.

11) Return the case diary.

12) Bail application is accordingly stands allowed.

JUDGE

Comparing Assistant