

GAHC010235752023



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

Case No. : Bail Appln./3751/2023

ASHU HUSSAIN LASKAR
S/O JOUR UDDIN LASKAR VIL. DOYAUPT I P.O. DUMORGHAT DIST.
CACHAR ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N H BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

09.11.2023

Heard Mr. N.H. Barbhuiya, learned counsel for the petitioner. Also heard Mr. P. Borthakur, 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, Ashu Husssain Laskar, who has been detained behind the bars on 06.10.2023 in connection with BI (EO) P.S. Case No. 02/2016, under Sections 120B/420/409/468 of the Indian Penal Code.

The gist of accusation in this case is that on 14.02.2016, the Deputy General Manager of Corporation Bank lodged an FIR before the Superintendent of Police BI(EO), Guwahati, *inter-alia*, alleging that the present petitioner in connivance with the Branch Manager of Corporation Bank, Silchar Branch misappropriated the money of bank to the tune of Rs. 84,000/- by furnishing loan by by obtaining loan by furnishing forged documents.

Learned counsel for the petitioner submits that he is not aware about the allegations made in the FIR and he also approached the bank to repay the loan of Rs. 84,000/- which he had obtained from the bank. However, in the meanwhile, the Corporate bank had already amalgamated with Union Bank of India and due to which he was unable to repay the said amount.

On the other hand, learned Additional Public Prosecutor has produced the case diary of BI(EO) P.S. Case No. 02/2016 and has submitted that there are incriminating materials against the present petitioner.

However, he has also submitted that the investigation has fairly progressed and statement of the present petitioner has already been recorded by the Investigating Officer.

Considering the submissions made by learned counsel for both sides as well as considering the materials in the case diary, further custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation of BI(EO) P.S. Case No. 02/2016, if the petitioner co-operates with the Investigating Officer in fair completion of the investigation.

In view of the above, the petitioner, Ashu Husssain Laskar, is hereby

allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with following conditions that:-

(i) the petitioner shall deposit his passports before the Court of learned Chief Judicial Magistrate, Kamrup (M) and he shall not be allowed to leave the State of Assam without prior leave of the learned Chief Judicial Magistrate, Kamrup (M); and

(ii) the petitioner shall co-operate in the investigation.

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

Send back the case diary.

JUDGE

Comparing Assistant