

GAHC010266572023



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

Case No. : Bail Appln./4333/2023

MISS PINKI BORAH
D/O SRI TANKESWAR BORAH, R/O BALIJAN, P.S.-HELEM, DIST-
BISWANATH, ASSAM, PIN-784172

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. L GOGOI

Advocate for the Respondent : PP, ASSAM

- B E F O R E -

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA
ORDER

11.12.2023

Heard Mr. L. Gogoi, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, Assam.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Miss Pinki Borah, who has been detained behind the bars since 18.11.2023 (for last 24 days) in connection with Gohpur P.S. Case No.197/2023 under Sections 120-B/420/408/381 of the Indian

Penal Code.

The gist of the accusation against the petitioner in this case is that on 15.10.2023, one Sri Diganta Bormudoi had lodged an FIR before the Officer In-charge of the Gohpur Police Station *inter-alia* alleging that he is the owner of an electronic shop, namely, M/s Agnibh Computech wherein he had engaged some staff to work in the said shop and it came to the notice of the first informant that the staff engaged in the said shop have been misappropriating the money from the said shop.

The prime allegation made in the FIR is against one Miss Munmi Borah and one of her friend, namely, Mr. Pradip Bhuyan, who was engaged as the Accountant of the first informant.

Learned counsel for the petitioner has submitted that the petitioner has not been named in the FIR and in the meanwhile, Court of learned SDJM (M), Gohpur has already released on bail one of the accused named in the FIR, namely, Mr. Pradip Bhuyan.

It is also submitted by the learned counsel for the petitioner that the petitioner has been detained behind the bars for last 24 days and considering the period of detention, she may be allowed to go on bail.

On the other hand, Mr. D. Das, learned Additional Public Prosecutor, Assam has produced the case diary of Gohpur P.S. Case No.197/2023 and has submitted that there are incriminating materials against the present petitioner. However, he has also fairly submitted that the investigation of the case has been fairly progressed.

I have considered the submissions made by the learned counsel for both the sides and perused the materials on record including the case diary of Gohpur P.S. Case No.197/2023.

Though there are incriminating materials against the present petitioner, however, considering the fact that one of the co-accused has already been released on bail as well as considering the progress made in the investigation and the period of detention already undergone by the present petitioner, further custodial detention of the present petitioner does not appear to be necessary if she cooperates with the investigating officer.

In view of above, the present petitioner, namely, Miss Pinki Borah, is hereby allowed to go on bail of Rs.30,000/- (Rupees thirty thousand) with one surety of the like amount subject to satisfaction of the learned SDJM(M), Gohpur with the following conditions,

(i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or any other person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to the Court;

(ii) that the petitioner shall co-operate in the investigation and shall appear before the Investigating Officer as and when so required by the Investigating Officer for the sake of fair investigation.

With the above directions, the present bail application stands disposed of.

JUDGE

Comparing Assistant