

GAHC040000672024



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

Case No. : AB/16/2024

Lairikyengbam Okendro Roy
Son of Lairikeyengbam Tilok Roy, resident of Lairikyengbam Makha Leikai, PO
Lamlong, PS Lamphel, East Imphal District, Manipur, present resident of Old Ziro,
PO Hapoli, Lower Subansiri District, AP

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Teto Taba

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 29-04-2024

Heard Mr. R. Sekhar, the learned counsel for the petitioner.
Also heard Ms L. Hage, the learned Additional Public Prosecutor for
the State respondent.

2. This is an application filed under Section 438 of the Cr.P.C.,1973 for grant of pre-arrest bail to the accused person, Shri Lairikhyengbam Okendro Roy, who is apprehending arrest in connection with Ziro P.S. Case No. 01/2024, registered under Sections 420/406/34 of IPC.

3. The brief facts of the case is that on 15.01.2024, an FIR was lodged by Shri Hage Batt, C/O Managing Director of Ziro Valley Resort with allegation that one Shri Hamom Purnananda of Imphal has fraudulently withdrawn Rs. 7,35,000 (Rupees Seven Lakhs Thirty Five Thousand)only from current account No. 3721 9066 267 of Ziro Valley Resort from SBI Branch Old Ziro branch yesterday i.e. on 10.01.2024. It is further case of the prosecution that the aforesaid cheque was withdrawn without knowledge and permission of the authorized holder of the bank. It is further the case of the prosecution that it is strongly suspected that the petitioner who is the Ex-General Manager of Ziro Valley Resort is involved in the matter as the cheque book was under his custody and cheque No.759108, by which, the amount was withdrawn was found missing when he returned the cheque book on 08.08.2023, after dismissal from the service in the month of July' 2023. Accordingly, a case has been registered under Sections 420/406/34 of the IPC.

4. Mr. R. Sekhar, the learned counsel for the petitioner submits that the petitioner has been falsely implicated in the matter and has

no role to play.

5. Case diary called for is placed before this Court.

6. Pertinent to mention that this Court by order dated 23.01.2024, granted interim pre-arrest bail to the petitioner subject to conditions.

7. Ms L. Hage, the Additional Public Prosecutor for the State respondent submits that pursuant to the said interim order dated 23.01.2024, the petitioner appeared before the Investigating Officer and his statement under Section 161 Cr.P.C has also been recorded by the Investigating Officer. She, however, submits that despite several attempts made, the subject cheque has not been produced by the accused petitioner.

8. In respect of the aforesaid submissions made by the learned Additional Public Prosecutor for the State, the petitioner has filed an additional affidavit before this Court wherein it has been stated that the subject cheques have been enclosed in the copy of the complaint filed by the petitioner under Section 156(3) Cr.P.C before the learned Chief Judicial Magistrate, Imphal West, Manipur and another cheque has been seized by the Lamphel Police Station, Manipur. The relevant paragraph-7 and 8 of the aforesaid additional affidavit is reproduced hereunder for ready reference:-

“7. That the deponent begs to state that he had annexed the original copy of one cheque of State Bank of India, Ziro Branch, Arunachal Pradesh, bearing cheque no. 759115 of A/c No. 37219066267, standing in the name of Ziro Valley Resort, along with the copy of the complaint petition, filed u/s 156(3) CrPC before the learned Chief Judicial Magistrate, Imphal West, Manipur, being Cril. Misc. (Investigation) Case No. 3/2024 and the original copy of the said cheque is still in the records of the said case kept in the Court of the learned Chief Judicial Magistrate, Imphal West, Manipur.

8. That the deponent begs to state that the during investigation of the aforesaid case, being FIR No. 60 (2) 2024 LPS U/S 405/418/420/503 IPC, registered at the Lamphel Police Station, Manipur, the investigation Officer on being produced by the informant, i.e., the deponent of the present application, seized another cheque of State Bank of India, Ziro Branch, Arunachal Pradesh, bearing cheque no. 759116 of A/c No. 37219066267, vide Seizure Memo dt. 2-2-2024.”

9. It appears that the petitioner has cooperated with the investigation by making himself present before the Investigating Officer for recording his statement under Section 161 Cr.P.C. It further appears that the cheques which are required to be produced by the accused petitioner are in the records of the complaint case

i.e. Crl.Misc.(Investigation) Case No.03/2024 before the learned Chief Judicial Magistrate, Imphal West, Manipur.

10. In view of the aforesaid, custodial interrogation of the petitioner may not be justified for the ongoing investigation. The object of the bail is not punishment but to secure the attendance of the accused petitioner during his trial by a reasonable bail amount.

11. Accordingly, the interim bail granted by this Court vide order dated 23.01.2024, is hereby made absolute, subject of course to the following conditions:-

- 1) That the accused applicant shall cooperate with the investigation and appear before the IO as and when called for;
- 2) That the accused applicant shall not, directly, or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- 3) That he shall not commit an offence similar to the offence of which he is accused, or suspected of commission.

With the aforesaid observation and directions, this anticipatory bail application stands disposed of.

Return case diary and up-to-date case diary.

JUDGE

Comparing Assistant