

GAHC040004282024



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

Case No. : AB/63/2024

Kaushik Das
Son of Late Montu Das, resident of Ghaigaon,
PO and PS Halem, Biswanath District, Assam

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : D Saikia

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 08.04.2024

Heard Mr. D. Saikia, learned counsel for the petitioner. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. Apprehending his arrest in connection with Chimpu P.S. Case No. 13/2024 under Sections 120(B)/419/420/468/471/379/34 IPC, the accused/applicant,

namely, **Shri Kaushik Das** has filed this bail application under Section 438 Cr.P.C seeking grant of pre-arrest bail.

3. The case of the petitioner is that on 08.02.2024, a written FIR was lodged by one Shri Tech Niglo before Chimpu Police Station inter-alia alleging therein that someone had stolen his cheque No. "25086" and forged his signature and transferred an amount of Rs. 35,00,000/- (Rupees Thirty-five lakh) only through RTGS into the account of one Shri Tridip Saikia of Biswanath Charali, Assam on 06.02.2024. The said Tridip Saikia is unknown and stranger to him. He suspected that the accused/applicant Shri Kaushik Das who was working under him as manager as he is missing since 07.02.2024 after revelation of the incident. It is further alleged that the said accused/applicant Shri Kaushik Das is frequently changing his statement when contacted over phone, as such Shri Kaushik Das is suspected to be involved in the case.

4. Basing on the above written FIR, the police have registered the case being Chimpu P.S. Case No. 13/2024 under Sections 120(B)/419/420/468/471/379/34 IPC.

5. Mr. D. Saikia, learned counsel for the petitioner submits that the accused is innocent of all the allegation. However, since he is named in the FIR, he has reasonable apprehension that the police might arrest him at any point of time and cause unnecessary harassment. Hence, this application for grant of pre-arrest bail.

6. Ms. T. Jini, learned Additional Public Prosecutor has produced the Case Diary as well as the Status report, and I have perused the same.

7. The learned Additional Public while referring the Case Diary and status report submits that during the course of the investigation, a house search was made in the house of the accused/applicant Shri Kaushik Das and the police found letter pad of M/s Hita enterprises wherein in the back and the front side of the said pad, the alleged accused/applicant Shri Kaushik Das had practiced to forged the signature of the informant. Further some paper of his hand writing, counter foil of SBI, ITR slip etc., were also found in his house and seized.

8. The record also reveals that the CDR of the mobile number of the accused/applicant Shri Kaushik Das, Shri Tridip Saikai and Rajib Das were obtained. And as per the call details, the accused/applicant Shri Kaushik Das and Shri Tridip Saikia are found to have had a conversation over mobile phone to each other on several occasions; just before and during the incident, and their mobile location also shows that they were in Ganga. Not only that, the accused Shri Tridip Saikia in whose account the amount is shown to have transferred, confirmed over phone that he had arrived with Shri Kaushik Das at Itanagar and committed the alleged offence. It is further found that the delivery slip of cheque from R.K. Mission post office which has been received in xerox being verified with original by Sub Post Master. And the cheque book was received by the accused/applicant Shri Kaushik Das by putting his signature and his mobile number. And before handing over the cheque book to the informant

Shri Tech Niglo, the alleged accused/applicant Shri Kaushik Das had stolen one cheque leaf from the middle of the Cheque book. And despite issuance of notice under Section 41A of Cr.P.C, the accused/applicant and other co-accused did not appear before the police.

9. Hence, the learned Additional Public Prosecutor vehemently objects the grant of anticipatory bail to the accused/applicant Shri Kaushik Das.

10. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State respondent.

11. Considering the nature of offence and the allegation made against the accused for commission of the alleged offence and the incriminating materials found against him on record and also considering that the investigation of the case is still in the nascent stage, I am of the opinion that the accused/applicant does not deserve to be extended with the privilege of pre-arrest bail at this stage.

12. Accordingly, for the reasons stated above, this anticipatory bail application is rejected and disposed of.

Return the Case Diary immediately.

JUDGE

Comparing Assistant