

GAHC040016942023



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

Case No. : AB/86/2023

Smti Techhi Mala
W/o Shri Ha Tatu, R/o Nearby Government HRSS, Ganga Village, P.O R.K Mission,
P.S Chimpu, District Papum Pare, Arunachal Pradesh.

VERSUS

THE STATE OF AP Represented by its Public Prosecutor.

Advocate for the Petitioner : Eddie Payeng
Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 21.02.2024

Heard Mr. Kamal Saxena, learned counsel for the accused/ applicant. Also heard Mr. Token Ete, learned Addl. P.P., appearing on behalf of the respondent State of Arunachal Pradesh.

Apprehending her arrest in connection with Naharlagun P.S. Case No. 147/2023, dated 12.09.2023, registered under Sections 419/420/468/471/511 of the Indian Penal Code; this anticipatory bail application under Section 438 of the Code of Criminal Procedure, 1973, has been preferred by the accused/applicant Smt. Techhi Mala, praying for grant of pre-arrest bail.

The CD has been received and the same has been duly perused.

Mr. Saxena, learned counsel for the accused/applicant, submits that the accused/applicant, named-above, was working at the relevant point of time, as a Bank Manager of YES Bank, Itanagar Branch, and the Account in the name of a deceased person late Hage Taley was opened by her and at that point of time, it was not reckonable that the documents being used, were forged documents and/or that late Hage Taley had expired much before the date on which the said Account was opened. The accused/applicant had acted in the matter bona fide accepting the processing done in the matter by her subordinates. It is further submitted that the accused/applicant had no direct role in the matter of opening of bank account.

Mr. Saxena, learned counsel for the accused/applicant, further submits that the accused/applicant has already appeared before the I.O. of the case and her statements under Section 161 of the Code of Criminal Procedure, 1973, has also been recorded. The learned counsel also submits that the accused/applicant is willing to cooperate with the I.O. of the case in the further investigation of the case, in the event, the privilege of pre-arrest bail is extended to her. Accordingly, Mr. Saxena, learned counsel for the accused/applicant, prays that the interim pre-arrest bail as ordered by this Court, vide order, dated 13.12.2023, may be made absolute.

Mr. Ete, learned Addl. P.P., Arunachal Pradesh, submits that the materials as available in the CD, does not reflect that the accused/applicant after obtaining the interim pre-arrest bail, had not cooperated with the investigation of the case and accordingly, he submits the prayer of pre-arrest bail of the accused/applicant, may be considered by this Court.

Having heard the submissions of the learned counsels of both sides, I have perused the CD and also gone through the contents of this bail application and the documents placed on record.

Considering the materials collected so far in the CD, and also considering the submissions of the learned counsels of both sides; this Court is of the considered view that custodial interrogation of the accused/applicant is not deemed necessary in the interest of investigation and accordingly, the interim pre-arrest bail granted by this Court vide order, dated 13.12.2023, is hereby made absolute on the same terms and conditions.

The accused/applicant is hereby directed to cooperate with the I.O. of the case in the further investigation of the case.

The anticipatory bail application accordingly stands disposed of. The CD be sent back, forthwith.

JUDGE

Comparing Assistant