

GAHC010007252024



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

Case No. : AB/124/2024

PRASANTA KUMAR HALOI
S/O LATE GOBINDA HALOI
R/O HOUSE NO. 43, BYE LANE -1 (L),
BELTOLA, COLLEGE ROAD,
P.O. AND P.S. BASISTHA,
GUWAHATI-781029
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. B BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 22-01-2024

Heard Mr. B. Borah, learned counsel for the applicant and also heard Mr. B. Sarma, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Bhangagarh P.S. Case No. 105/2023,

under Sections 406/420 IPC, this application, under Section 438 Cr.P.C. is preferred by the applicant, namely, Prasanta Kumar Haloi, for grant of pre-arrest bail.

The above noted case has been registered on the basis of one FIR, lodged by one Jayanti Boro, on 27.3.2023. The essence of allegation made in the FIR is that she has one saving bank account in State Bank of India at ICD Amingaon Branch, Hajo, Guwahati road, bearing No.30032225072 and on 22.3.2023, while she has visited the bank to avail a loan, then she came to know that a sum of Rs.2,840/- is being deducted every month, from her aforesaid bank account and the same is transferred to Bank Account No.NACH00000000023239 IDFC, located in the Ist floor, ITAG Plaza, ABC Bus Stand, Guwahati and she further came to know that the money has been deducted from her account, however, the loan has been availed by Sree Govinda Enterprise, located at Lakhra, in the district of Kamrup(M) for purchasing a motor cycle TVS, NTOQR bearing registration No. AS-01-EN- 6531 and the total amount misappropriated from her account stands at Rs.73,840/-.

Mr. Bora, learned counsel for the applicant submits that the applicant had received a notice u/s 41(A) Cr.P.C. from the I.O. and pursuant to the same, he had appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency and therefore, it is contended to allow this petition .

On the other hand, Mr. B. Sarma, learned Addl. P.P. has produced the case diary before this Court and submits that the applicant had received notice u/s 41(A) Cr.P.C from the I.O. and he appeared before the I.O. and his statement is recorded.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P.

In view of the materials so far collected in the case diary against the present applicant and also in view of the cooperation being extended by the applicant to the Investigating Officer, his custodial interrogation seems to be not warranted herein this case. And therefore, this Court is inclined to allow this petition. It is provided that in the event of arrest of the applicant, in connection with Bhangagarh P.S. Case No. 105/2023, under Sections 406/420 IPC, he shall be released on pre arrest bail on his executing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

- 1.That the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- 2.That the 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 from disclosing such facts to the Court or to any police officer; and
- 3.That the applicant shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup, Guwahati without prior permission.

Case diary be returned.

JUDGE

Comparing Assistant