

GAHC010016132024



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

**Case No. : AB/204/2024**

RINKY AHMED  
D/O FAKHRUDDIN AHMED  
VILL- DAMPUR  
P.O. DAMPUR  
P.S. HAJO  
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR P K DAS**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**30.01.2024**

Heard Mr. M. Baruah, learned counsel for the applicant and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

**2.** Apprehending arrest in connection with the **Bhangagarh P.S. Case No. 105/2023**, under Sections 406/420 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Rinky Ahmed** for grant of pre-arrest bail.

**3.** It is to be noted here that the said case has been registered on the basis of one F.I.R., lodged by one Jayanti Boro, on 27.03.2023. The essence of allegation made in the FIR is that the informant has an account at SBI, Amingaon Branch and on 22.03.2023, she had visited the bank to avail a loan and from the executive of the bank she came to know that a sum of Rs. 2,840/- is being deducted every month from her bank account and she also came to know that the said loan has been availed by Shree Govinda Exterprise located at Lakhra, for purchasing a motor cycle, TVS NTOQR, bearing registration No. AS-01-EN-6531, and total amount of Rs. 73,840/- has been misappropriated from her account.

**4.** Mr. Baruah, learned counsel for the applicant submits that the applicant is no way involved with the offence alleged in the FIR and that the co-accused persons have already been granted privilege of pre-arrest bail by this Court. Mr. Baruah further submits that the applicant has one baby and she has to look after the baby and that she is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

**5.** On the other hand, by producing the Case Diary before this Court, Mr. Gogoi, learned Additional Public Prosecutor submits that the IO has collected sufficient incriminating materials against the applicant and therefore, Mr. Das contended to dismiss the petition.

**6.** Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court with the assistance learned Additional Public Prosecutor.

**7.** It appears from the case diary that the IO has collected sufficient

incriminating materials against the applicant. Further, it appears that it is she who has impersonating herself as the informant Janati Boro and obtained loan from the account of real Janati Boro and cheated her. It also appears that the investigation is going on and enlarging the applicant, at this stage, will misdirect the investigation.

**8.** Accordingly, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

**9.** The case diary be returned.

**JUDGE**

**Comparing Assistant**