

GAHC010036252024



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

Case No. : Bail Appln./521/2024

DEBASISH GOGOI
S/O LATE JOGEN CH. GOGOI
R/O H/NO. 52, AZAD PANIGAON ROAD,
VILL- RAJKHOWA GAON
P.O. AND P.S. PANIGAON
PIN-787052
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A JAHID

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 04-03-2024

Heard Mr. A. Jahid, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P, Assam.

This is an application under Section 439 of Cr.PC, 1973 for granting bail to the petitioner, namely Debasish Gogoi, who was arrested on 24.01.2024 in connection with BI (EO) P.S Case No. 6/2022 registered under Section 120(B) / 420/406/409/468 IPC.

The facts of the case is that on 30.04.2022, a complaint was lodged with the Officer-in-charge, BI (EO) Police Station by the General Manager, Assam Gramin Vikash Bank alleging defalcation and misappropriation of bank's money at Machkhowa Branch, Chandmari Branch and Thakurbari Branch and it was alleged that the petitioner and one Priyanka Baruah was suspected to be involved in committing forgery, criminal breach of trust and cheating during the period of service in the said branches. Accordingly, case was registered.

Mr. A. Jahid, learned counsel for the petitioner submits that the petitioner, who was working as Office Assistant in Machkhowa Branch of the Assam Gramin Vikash Bank is completely innocent and falsely implicated. He further submits that the petitioner has been languishing in jail since last 40 days.

Mr. P. Borthakur, learned Addl. P.P, Assam on the other hand strongly opposes the prayer for bail. He further submits that the investigation has progressed substantially.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears from the Case Diary produced before the Court that the petitioner was interrogated on the date of his arrest, i.e., 24.01.2024 and thereafter, he has not been interrogated in the matter. It further appears that the investigation has progressed substantially and the statements of the witnesses have already been recorded under Section 161 Cr.PC.

Considering the totality of the matter, length of detention and that the petitioner was not further interrogated vis-à-vis Article 21 of the Constitution of India, this Court is of the considered view that further detention of the petitioner is not justified.

For the aforesaid reason, the petitioner namely Debasish Gogoi is allowed to go on bail of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned CJM, Kamrup, in connection with the above noted case, subject to the following conditions:-

- (i) That the petitioners shall cooperate in the on-going investigation.
- (ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts to the Court or to any Police Officer.

- (iii) Learned Trial Court may impose any additional condition of bail if it deems fit to do so, at any time, while the petitioner is enlarged on bail.

With the above observation, the Bail Application stands disposed of.

JUDGE

Comparing Assistant