

GAHC010050532024



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

Case No. : AB/657/2024

RATAN KAR
S/O LATE NITAI KAR, R/O- SRIBHUMI NAGAR, BY LANE NO. 4TH,
ADAGODAM, LALGANESH, GUWAHATI- 34, DIST- KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
(REPRESENTED BY PUBLIC PROSECUTOR, ASSAM)

Advocate for the Petitioner : MS. R DEVI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

15.05.2024

Heard Mr. A.K. Bhattacharyya, learned Senior Counsel assisted by Mr. S.C. Biswas, learned counsel for the applicant; Ms. N. Das, learned Additional Public Prosecutor for the State respondent; and Mr. S.B. Laskar, learned counsel for the informant.

2. Apprehending arrest in connection with **Paltanbazar P.S. Case No. 60/2024**, under Section 408 of the IPC and read with Section 66(D) of the I.T. Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Ratan Kar** for grant of pre-arrest bail.

3. The said case has been registered on the basis of an FIR lodged by one Pawan Kumar Mohata, on 18.02.2024. The essence of allegations made in the FIR is that the applicant was appointed as an accountant in the informant's firm namely, M/s Indra Manish Agencies Private Limited and he has misappropriated a sum of Rs. 35,00,000/- from the account of the firm and he had admitted the same and also agreed to give him a plot of land for Rs. 25,00,000/- and to return the rest of the amount. But, after proper verification it has been found that he has misappropriated a sum of Rs. 83,91,831/-, which is much higher than the admitted amount.

4. Mr. Bhattacharyya, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 21.03.2024, and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 21.03.2024, absolute in the same terms and conditions.

5. On the other hand, Ms. Das, learned Additional Public Prosecutor by producing the case diary before this court, fairly submits that the applicant had appeared before the I.O. and his statement is recorded. However, Ms. Das submits that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR and therefore, it is contended to dismiss the petition.

6. Whereas, Mr. Laskar, learned counsel for the informant submits that the amount allegedly misappropriated by the applicant amounts to Rs. 83,91,800/- and that his address given in the Aadhar card and in the bank statement are different and the offence is serious in nature and therefore, it is contended to dismiss the petition.

7. Having heard the submissions 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 with the assistance of learned Additional Public Prosecutor.

8. The case diary indicates that the I.O. has collected some incriminating materials against the applicant. However, it appears that the applicant had appeared before the I.O. and cooperating with the investigating agency and his statement is also

recorded.

9. Having considered the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and also considering the progress of investigation, this Court is of the view that custodial interrogation of the applicant seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **21.03.2024, absolute** in the same terms and condition.

10. In terms of above this AB stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant