

GAHC010058562024



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

Case No. : AB/759/2024

BIKRAM JHA
S/O SITA RAM JHA, R/O VILL/TOWN-SHILKURI PART III, P.S.-SILCHAR
SADAR, SUB DIV-SILCHAR, PIN-788118, DIST-CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T BARUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

02.04.2024

Heard Ms. A. Das, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Guwahati Crime Branch P. S. Case No.05/2024 under Sections 420/468/470/471/472/473/474/475/120-B of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Ms. Das, that the present petitioner is innocent and he only introduced the accused No.2 namely Shri. Mukesh Kumar Singh to the informant, who wanted to buy, low cost animal consumable rice. He also submits that the petitioner is not at all involved in the alleged incident as stated in the FIR. Further, the petitioner is ready and willing to co-operate with the I.O. for investigation of the case, if he is granted with the privilege of pre-arrest bail.

In this context, Mr. Parasar, learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials available against the present petitioner. He also submitted that it is a case of fraud of more than Rs. 10 Crores. From the materials in the case diary, it is seen that the petitioner introduced the accused No.2, namely, Mukesh Kumar Singh to the informant who wanted to buy animal consumable rice at low cost. Accordingly, the informant assumed that information provided by the said accused No.2 is genuine and the FCI, Banaras can deliver him the cattle feed as

per his requirement. The informant also provided with a fake sanctioned order from the FCI, Banaras. It is also submitted that the bank draft was made in the name of GMFCI and the informant was under impression that draft was prepared under the General Manager, FCI. But, later on, during the investigation it has come to the knowledge of the IO that all the bank drafts were credited in the name of one organization namely Global Memorial Foundation Plus Interoperability (in short GMFCI). More so, the present petitioner is also in continuous touch with the informant and he also instructed the informant to give more money for sanction order etc. The learned Additional Public Prosecutor further submitted that the case is at the initial stage of investigation and the IO is yet to collect more materials and there is a probability of involvement of more persons in the entire fraud and in the result there has been a misappropriation of more than Rs. 10 Crores. Accordingly, he raised objections in granting pre-arrest bail to the accused petitioners.

Considering the nature and gravity of the offence as well as from the materials collected by the IO, I find that custodial interrogation of the accused/petitioner may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the accused/petitioner at this stage and accordingly, the same stands rejected.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant