

GAHC010067842024



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

Case No. : AB/890/2024

SUROJIT RAKSHIT
S/O SHRI PATIT RAKSHIT, CURRENTLY R/A GUWAHATI BOYS P.G., MANIK
NAGAR, GUWAHATI, PINCODE-781030, ASSAM, R/O RAMCHANDRAPUR
SANKRAIL, HAORA, WEST BENGAL-711313

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

03.05.2024

Heard Mr. M. Biswas, learned counsel for the petitioner and Ms. N. Das, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioner viz. Surojit Rakshit has approached this Court seeking the benefit of pre-arrest bail,

apprehending his arrest, in connection with Dispur Police Station Case no. 184/2024 registered under Section 408, Indian Penal Code [IPC].

3. In the order dated 05.04.2024, this Court had summarised the allegations made against the petitioner in the concerned FIR as under :-

The gist of accusation in this case is that, one Deepak Kumar Gupta of H & B Stores Limited, had lodged an FIR before the Officer Incharge of Dispur Police Station, inter alia, alleging that the present petitioner was working as a Store Manager in New U Store, located at the 2nd Floor, City Central Mall, Guwahati, Assam and it has been found during internal investigation that there was an abnormal shrinkage of stock amounting to Rs. 8,77,363/- [Rupees eight lakh seventy seven thousand three hundred and sixty three only] and during the internal investigation of the company, it was revealed that the present petitioner had manipulated the stock records, leading to an abnormal shrinkage. It is also alleged that the present petitioner had stolen from retail store an amount of Rs.40,174/- [Rupees forty thousand one hundred and seventy four only] and Rs. 20,000/- [Rupees twenty thousand only].

4. The petitioner was extended interim protection on 05.04.2024 with a direction to him to appear before the Investigating Officer [I.O.] of the case within 10 [ten] days from 05.04.2024.

5. The learned counsel for the petitioner has submitted that the petitioner has appeared before the I.O. of the case in deference to the order dated 05.04.2024 within the stipulated time period and thereby, joined the investigation.

6. Ms. Das, learned Additional Public Prosecutor has endorsed the factum of appearance of the petitioner before the I.O. of the case. Ms. Das has submitted, on the basis of the materials available in the case diary, that the I.O. of the case on appearance of the petitioner before him, has recorded his statement under Section 161, CrPC.

7. The allegations against the petitioner are with regard to alleged manipulation of stock records and resultant shrinking of stock amounting to Rs. 8,67,363/-. There are other allegations of stealing of cash against the petitioner. The FIR has mentioned that those were detected during the course of internal audit.

8. Mr. Biswas, learned counsel for the petitioner has submitted that the relationship between the petitioner who was working as Store Manager, with the Management got strained and as a result of such strained relationship, the FIR came to be lodged. It is his further contention that in the FIR, it is not mentioned during which period such shrinkage of stock had occurred, stealing of cash, etc. took place.

9. Having regard to the fact that pursuant to the interim order dated 05.04.2024, the petitioner has appeared before the I.O. of the case and, thus, joined the investigation, this Court is of the considered view that custodial interrogation of the petitioner is not necessary for the purpose of carrying out further investigation into the case and his release on pre-arrest bail, at this stage of investigation, is unlikely to bring any adverse effect in the further investigation of the case, provided he continues to extend his assistance and co-operation in the further investigation of the case.

10. Accordingly, the interim protection granted to the petitioner by order dated 05.04.2024 is hereby made absolute, subject to the following conditions that :-

[i] the petitioner shall appear before the Investigating Officer [I.O.] of the case once in a fortnight for the next 2 [two] weeks and shall cooperate with the investigation and shall thereafter, make himself available as and when his presence is required by the I.O. in the investigation of the case;

[ii] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

[iii] the petitioner shall not obstruct or hamper the police investigation and not to

play mischief with the evidence collected or yet to be collected by the police;

[iv] the petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and

[v] the petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

11. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant