

GAHC010072712024



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

**Case No. : Bail Appln./1092/2024**

MANJESH KUMAR  
S/O LATE RAJENDRA PRASAD, VILL- MAROWAHAMIPUR, P.S.-  
BAIDEKPUR, DIST- GOPALGANJ, BIHAR, TEMP. ADD- R/O CHATTRIBARI,  
HOUSE NO. 39, SETHIA APARTMENT, P.S.-PALTAN BAZAR, DIST- KAMRUP  
(M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. P K GOGOI**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 19.04.2024**

**1)** Heard Mr. A. Buragohain, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State of Assam.

**2)** This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner Manjesh Kumar, who has been detained behind bars since 29.03.2024(for last 22 days) in connection with Bhangagarh P.S. Case No. 31/2024 registered under Section 120(B)/420/406/468/471 of the Indian Penal Code.

**3)** The gist of accusation in this case is that one Sandeep Kumar Garodia, who is the lawful attorney holder of the firm "Kameng Engineering, Bhalukpunk," had lodged an FIR(First Information Report) on 16.03.2024, before the Officer-In-Charge of Bhangagarh Police Station, *inter-alia*, alleging that Prakash Agarwala by forging the signature of the informant has misappropriated an amount of Rs.1,73,11,010/-(Rupees one crore seventy three lakhs eleven thousand and ten only), which was allegedly transferred into the account of the Prakash Agarwala by one Madhurjya Das from the account of the informant, whereas the allegation in the FIR also against the authorities of Assam Government Marketing Office Corporation Limited that they have colluded with the main accused, namely, Prakash Agarwala in facilitating the payment of 4 numbers of cheques of Kameng Engineering, Bhalukpunk amounting to Rs.1,73,11,010/-(Rupees one crore seventy three lakhs eleven thousand and ten only) to the main accused Prakash Agarwala.

**4)** Learned counsel for the petitioner has submitted that the petitioner is not a main accused in the FIR and he was arrested on 29.03.2024 only on the ground that from the account of the wife of the Prakash Agarwala, namely, Jita Agarwala, the present petitioner has withdrawn an amount of Rs.2,00,000/-(Rupees two lakh only).

**5)** Learned counsel for the petitioner has also submitted that the petitioner is serving as a servant in the house of the main accused Prakash

Agarwala and as per his directions, he had withdrawn an amount of Rs.2,00,000/-(Rupees two lakh only) from the account of the wife of Prakash Agarwala, and he is in no way involved in the allegations levelled against the present petitioner.

**6)** Learned counsel for the petitioner has also submitted that the petitioner has been detained behind bars for last 22 days and considering the period of detention he may be allowed to go on bail.

**7)** On the other hand, learned Additional Public Prosecutor has submitted that the case diary has not sent by the Investigating Officer and no reason has been cited for the same.

**8)** I have considered the submissions made by learned counsel for the both the sides and perused the materials on record, it appears that the main accused Prakash Agarwala has already been allowed to go on anticipatory bail by this court by order dated 05.04.2024 in AB Case No. 892/2024.

**9)** It also appears that the only allegation as of now against the present petitioner is that he had withdrawn an amount of Rs.2,00,000/-(Rupees two lakh only) from the account of Jita Agarwala, who is the wife of Prakash Agarwala. No other allegation is there against the present petitioner.

**10)** Moreover, considering the fact that the present petitioner has already been detained behind the bars for last 22 days, this court is of considered opinion that his further custodial detention may not be necessary for fair completion of investigation of Bhangagarh P.S. Case No. 31/2024, if he cooperates in the investigation.

**11)** In view of the above, the above named petitioner is allowed to go on bail of Rs.30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(Metro), subject to the

conditions that:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and
- (ii) the petitioner shall co-operate in the investigation.

**12)** With above observation, this bail application is hereby disposed of.

**JUDGE**

**Comparing Assistant**