

GAHC010075542024



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

Case No. : AB/995/2024

SMTI POMPI BORUAH
W/O LATE MANOJ SHAH, R/O WARD NO. 8, NEAR SADAR THANA, DIST-
NORTH LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR B KAUSHIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.05.2024

Heard Mr. S. Hazarika, learned counsel for the applicant and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 438 of the Code of Criminal Procedure, is preferred by applicant namely, **Smti. Pompi Boruah**, who has been apprehending arrest in connection with **North Lakhimpur P.S. Case No.**

75/2024, under Sections 406/420 of the IPC, for grant of pre-arrest bail.

3. It is to be noted here that the said case has been registered on the basis of an FIR lodged by the Branch Manager, Union Bank of India, North Lakhimpur Branch, on 28.03.2021. The essence of allegation made in the FIR is that on 18.03.2021, the Bank had erroneously credited a sum of Rs. 37,60,200/- in the Savings Bank Account No. 641102010003481, maintained by the applicant in the Union Bank of India, North Lakhimpur Branch and thereafter, a request was made to the applicant for refunding the amount, but, the said amount had already been withdrawn by the applicant from the said account.

4. Mr. Hazarika, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 10.04.2024, and pursuant to the said order, the applicant had appeared before the IO and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 10.04.2024, absolute in the same terms and conditions.

5. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the applicant, under Sections 406/420 of the IPC, vide Charge-Sheet No. 68/2024, dated 30.04.2024.

6. In view of above, this Court is inclined to dispose of this anticipatory application by directing the applicant to appear before the learned court below on or before **28.05.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, the interim order dated 10.04.2024, stands extended.

Comparing Assistant

JUDGE