

GAHC010082382024



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

Case No. : AB/1068/2024

MAMTA HAZARIKA
D/O LATE RIHAN HAZARIKA,
VILL.- NAGAON BORVETI GORIABOSTI,
P.S.- HAIBARGAON,
P.O.- NAGON HAIBARGAON,
DIST.- NAGAON, ASSAM, PIN- 782001.

VERSUS

THE STATE OF ASSAM
TO BR REP. BY THE LEARNED P.P., ASSAM.

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : MR. M K HUSSAIN (FOR INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 11-06-2024

Heard Mr. G. Chamuah, learned counsel for the petitioner Mamta Hazarika. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with a prayer for pre-arrest bail as she is apprehending arrest in connection with Jagiroad Police Station Case No. 61/2024 (GR Case No. 303/2024) under Sections 120(B)/420/406/409/468/376/34 of the Indian Penal Code, 1860.

3. The FIR unfolds that the petitioner along with her co-accused propagated that through Manabkalan Nidhi Limited, loans will be provided to the poor. The petitioner is the Nagaon Branch Manager of Manabkalan Nidhi Limited. As it was assured by the petitioner to the informant about the loan, the informant and others opened accounts at Jagiroad Paliguri Branch under the instruction of the petitioner and her co-accused, believing that they would receive loans.

4. It was submitted by several employees including the petitioner that to procure a loan of Rs.1,00,000/- (Rupees One Lac), an amount of Rs.21,000/- (Rupees Twenty One Thousand) has to be deposited in the account and for a loan of Rs.2,00,000/- (Rupees Two Lacs), an amount of Rs.42,000/- (Rupees Forty Two Thousand) has to be deposited.

4. The informant and the other victims were convinced and they applied for loan by depositing Rs.21,000/- (Rupees Twenty One Thousand) and Rs.42,000/- (Rupees Forty Two Thousand) respectively. Ample documents were signed by the informant and the others. The petitioner and her co-accused have misappropriated the funds deposited by them.

5. It is submitted on behalf of the petitioner that Manabkalan Nidhi Limited is an incorporated company under the Government of India, Ministry of Cooperate Affairs and the petitioner is only a Branch Manager. It is not plausible that she could induce so many customers to deposit money to procure loans. The

petitioner is willing to cooperate with the investigation. She is the sole bread winner of her family and if she is forwarded to custody, she will be terminated from service and her reputation will be tarnished.

6. The learned Additional Public Prosecutor Mr. B. B. Gogoi has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.

7. I have considered the submissions at the bar with circumspection. I have also perused the Case Diary.

8. Indeed there are incriminating materials in the Case Diary against the petitioner. I have considered the magnitude of the offence. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner. Hence, petition stands rejected at this stage.

9. In the above terms, this Anticipatory Bail application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant