

GAHC010107322024



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

Case No. : Bail Appln./1575/2024

DIPAK SHARMA
S/O SRI RAJEN SHARMA, R/O VILL- CHUNGI MOLIA, P.S.-TITABOR, P.O.-
TAMULBARI, DIST- JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : G. GOSWAMI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-06-2024

Heard Ms. G. Goswami, learned counsel for the petitioner Sri Dipak Sharma.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with a prayer for bail as he is behind bars since 07.05.2024 in connection with Sadiya Police Station Case No. 09/2024

under Sections 409/420 of the Indian Penal Code, 1860.

3. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he has embezzled Government funds of the ARTFED to the tune of Rs.11,17,891/- (Rupees Eleven Lacs Seventeen Thousand Eight Hundred Ninety One) which was for sale of yarn of ARTFED.

5. It is submitted on behalf of the petitioner that Annexure-6 clearly reveals that the petitioner is not involved in the embezzlement of funds but due to calculation error, the petitioner has become a prime suspect in connection with dealing of the yarn for ARTFED.

6. I have considered the submissions at the bar with circumspection.

7. I have considered the progress of investigation.

8. The petitioner is 58 (Fifty Eight) years old. It appears that further custodial detention may not be required for the progress of investigation. The petitioner is a local resident and he has pledged to cooperate with the remaining part of the investigation and abide by any bail conditions if imposed upon him.

9. Considering all aspects and in view of my foregoing discussions, petition is allowed.

10. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of learned Sub-Divisional Judicial Magistrate (M), Chapakhowa, Sadiya.

11. In the above terms this Bail Application stands disposed of.
12. Send back the Case Diary.

JUDGE

Comparing Assistant