

GAHC010124442024



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

Case No. : AB/1626/2024

LALREMPUI HMAR
W/O JEHOVA LALSIEMTHAR HMAR, R/O HMARKHAWLIEN, P.S.-
LAKHIPUR, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J LASKAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

22.07.2024

Heard Mr. J. Laskar, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Haflong P.S. Case No.35/2024 under Sections 416/468/420/471 of the Indian Penal Code.

4. Case Diary has been received and I have perused the same.

5. It is submitted by the learned counsel for the petitioner, Mr. Laskar, that the petitioner is innocent and she is no way involved in the alleged offence. It is contended that the petitioner's name has been falsely implicated in this case. However, after obtaining the interim pre-arrest bail vide order dated 25.06.2024, she appeared before the IO and co-operated in the investigation of the case. Further, she is still ready and willing to co-operate the IO in further investigation, if her interim pre-arrest bail is made absolute.

6. In this regard, Mr. Sharma, learned Additional Public Prosecutor has submitted that there is sufficient incriminating material available against the accused/petitioner and she is the prime accused of the case. From the record, it is evident that Marina Patra was arrested in connection with this case on 19.04.2024. She approached the bank on multiple occasions pretending to be Maya Thakuri in an attempt to withdraw money. During one such attempt, a bank officer became suspicious and requested additional documentation and

KYC information. Discrepancies were found between the documents Marina Patra provided and the original documents held by the bank. Subsequently, an FIR was lodged.

7. During the interrogation of Marina Patra, she disclosed the involvement of the present petitioner and she stated that the petitioner instructed her to impersonate Maya Thakuri and withdraw money from the bank. It was revealed that Maya Thakuri had a bank account where all the pension benefits of her deceased husband was deposited, but she passed away in the year 2022. Her son, an army personnel, was unable to transfer the account into his name. Taking advantage of this situation, the petitioner attempted to withdraw the amount and has been absconding since then.

8. The IO, finding no other alternative filed a part charge-sheet under Section 173(8) of the Cr.P.C., continuing the investigation against the present petitioner's. It was further stated that after obtaining pre-arrest bail, the petitioner appeared before the IO on 05.07.2024. However, despite being asked to appear again on 06.07.2024, she failed to comply. Another notice was issued on 08.07.2024 for her appearance on 09.07.2024, but once again, she did not appear before the IO, thus showing non-cooperation in the investigation of the case.

9. Accordingly, based on the prayer made by the I.O, a Non-Bailable Warrant of Arrest (NBWA) was issued against the accused/petitioner on 29.06.2024. Further, Mr. Sharma, learned Additional Public Prosecutor has submitted that the name of the accused/petitioner is mentioned as Lalrempui Hmar in the petition, but she also goes by another name, Rempuii Darngawn or Rengpui. Simultaneously, a co-accused who was arrested in connection with this case has

already pleaded guilty before the learned Chief Judicial Magistrate, Dima Hasao, and consequently, has been convicted. Despite the suppression of these material facts, the present petition has been filed. Therefore, Mr. Sharma, learned Additional Public Prosecutor, raised objections on the prayer made by the learned counsel for the petitioner.

10. After hearing the submissions of learned counsels of both sides, I have carefully gone through the Case Diary and it is seen that sufficient incriminating material is available against the present accused/petitioner.

11. Thus, considering the entire materials in the Case Diary, as well as the conduct of the accused/petitioner, and also considering the nature and gravity of the offence, this Court is of the view that custodial interrogation of the present accused/petitioner may be necessary in the interest of just and proper investigation of the case. Accordingly, the petition for pre-arrest bail is rejected and the interim pre-arrest bail, granted by this Court vide order dated 25.06.2024, is hereby stands vacated.

12. In terms of above, this anticipatory bail application stands disposed of.

13. The Case Diary be sent back.

JUDGE

Comparing Assistant