

GAHC010138442024



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

Case No. : Bail Appln./2016/2024

ABHISHEK CHANDA
S/O LATE AMIT CHANDA,
R/O BORTHAKUR MILL ROAD, HOUSE NO. 05, P.S.- PALTANBAZAR, DIST.-
KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.07.2024

1. Heard learned counsel Mr. S. Munir for the petitioner Abhishek Chanda.
2. This application has been filed by the petitioner under Section 483 of the BNSS with prayer for bail as he is behind bars since 22.06.2024 in connection

with Basistha P.S. Case No. 637/2023 under Section 120(B)/409 of the IPC.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he along with Rajeev Basumatary without the knowledge of the informant took a loan of Rs. 19,57,050/- and transferred the same to one, Bidyut Kalita of Beltola branch of the Axis Bank. On 24.05.2023, a phone call was received by the informant from the loan department informing him about the installment to be repaid. Immediately, the informant apprised the Bank that he did not obtain any loan and asked the Bank to furnish documents of the approved loan. At that moment, Darshana Baruah, Manager and Prakash Kumar assured that the amount would be credited in his account within Wednesday. The informant, however denied to accept the amount and asked for the documents. He received the statement of his account and apprised the Bank authorities about the fraudulent transactions.

5. Learned Additional Public Prosecutor has stated that there are incriminating materials in the Case Diary.

6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.

7. However, investigation has progressed to a considerable extent. It appears that further custodial detention may not be required for progress of investigation.

8. I have considered the submissions that the petitioner has pledged to co-operate with the remaining part of the investigation and to abide by any stringent bail conditions, if imposed upon him.

9. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioner is enlarged on bail of Rs 30,000/- (Rupees thirty thousand), with a local surety of like amount to the satisfaction of the learned CJM, Kamrup (M) under the conditions that:

(i) the petitioner shall refrain from such activities with which he is alleged,

(ii) the petitioner shall not temper with the evidence,
and

(iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

10. On breach of any of the bail conditions, bail order shall stand cancelled.

11. Send back the Case Diary.

JUDGE

Comparing Assistant