

GAHC010152832024



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

Case No. : AB/2023/2024

MS. TANUSHREE BANERJEE
D/O LATE DEBABRATA BANERJEE, R/O HOUSE NO. 2, WARD NO. 24,
MADAN MOHAN ROAD, TARAPUR, SILCHAR, PIN-788003, P.S.-TARAPUR,
DIST- CACHAR, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S P CHOUDHURY, MS. M BORA, MS B DEVI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

19.08.2024

Heard Mr S P Choudhury, learned counsel for the petitioner, Ms Tanushree Banerjee, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail as she is apprehending arrest in connection with Silchar PS Case No. 2383/2023, corresponding to GR Case No. 4517/2023, registered under Section 420/468/406/465/471/34 of the Indian Penal Code, 1860.

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.

3. The FIR unfolds that the accused No. 1, named in the FIR, Sri Saraf Uddin Barbhuiyan @ Sarafuddin, had a business relation with the informant. The informant wanted to obtain a bank loan and the accused No. 1 had assured to grant loan and took signature of the informant for opening an account in the bank of the accused No. 2, i.e., the present petitioner. The relevant documents were submitted. On several occasions, the informant asked Saraf Uddin Barbhuiyan about the bank loan and he was assured that he would receive the loan. However, a few days back, the informant had received notice from the bank of Ms Tanushree Banerjee and he realized that the loan had already been sanctioned in his favour.

4. It is alleged that the accused No. 1 in collusion with the present petitioner, secretly withdrew the sanctioned loan by issuing cheques.

5. I have considered the submissions at the Bar with circumspection.

6. I have also scrutinized the Case Diary.

7. I have considered the submission that the petitioner is the sanctioning authority and without realizing the sinister ploy, the petitioner may have sanctioned the loan. 8.

The petitioner has already appeared before the IO on notice under Section 35 of the BNSS, 2023, The petitioner is also willing to cooperate with the remaining part of investigation. The petitioner is also willing to abide by any stringent bail conditions, if

imposed upon her. The petitioner being a bank employee is not a flight risk.

9. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of her arrest, the petitioner shall be enlarged on bail of Rs. 30,000/- with a suitable surety of the like amount to the satisfaction of the jurisdictional Court under the conditions that-

- i) the petitioner shall appear before the IO within one week and cooperate with the investigation,
- ii) the petitioner shall refrain from such activities with which she is alleged, and,
- iii) the petitioner shall not tamper with the evidence.

9.1. On breach of any of the bail conditions, this pre-arrest bail order shall automatically stand cancelled.

10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant