

GAHC010154922024



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

Case No. : AB/2040/2024

NIRAJ NANDAN SAIKIA AND 2 ORS.
S/O BHUBANESWAR SAIKIA, R/O SATI RADHIKA ROAD, SOUTH
HAIBARGAON, P.O. AND P.S.-HAIBORGAON, PIN-782002, DIST- NAGAON,
ASSAM

2: DEBOPRATIM BORUAH
S/O DWIJEN BORUAH
R/O BYE LANE NO. 4
WARD NO. 1
PHUKAN NAGAR
DERGAON
P.O. AND P.S.-DERGAON
PIN-785614
DIST- GOLAGHAT
ASSAM

3: HEM SAGAR KOIRALA
S/O PREM PRASAD KOIRALA
R/O VILL- PURANIBHATI
P.O.-PANPUR
P.S.-JAMUGURIHAT
PIN-784180
DIST- SONITPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI, MS M NIROLA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 28.08.2024

Heard Mr. P. Bordoloi, the learned counsel appearing for the petitioners as well as Mr. P. Borthakur, the learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the Cr.P.C. praying for grant of pre-arrest bail to the petitioners in respect of Kalaigaon P.S. Case No.51/2024.

3. The informant applied for a loan of Rs. 32,000/- from the Assam Gramin Vikash Bank, Bhakatpara. He submitted all his necessary documents for obtaining the loan. The bank granted him the loan and the informant had returned the loan by paying Rs.66,700/-

4. It is alleged in the FIR that the people, who were running their customer service point used the documents of the complainant to obtain loan earlier thereby committing the offence.

5. The present three petitioners are bank employees and they have appeared before the Investigating Officer pursuant to the interim order granted by this Court.

6. Mr. Bordoloi has pointed out that the informant himself had taken the subsequent loan of Rs. 87,000/- and withdraw the money from the bank account.

7. I have considered the submissions made by the learned counsels of both sides.

8. The petitioners have already appeared before the Investigating Officer and they are co-operating with the police investigation.

9. Considering the materials available in the case record, this Court is of the opinion that the petitioners do not deserve to be detained in custody. Therefore, the bail applications filed by the petitioners, namely, 1. Niraj Nandan Saikia, 2. Debopratim Boruah and 3. Hem Sagar Koirala is allowed.

10. Therefore, the interim order granted earlier by this Court to the above-named

petitioners is hereby made absolute.

11. The bail application stands disposed of.

The case diary shall be returned.

JUDGE

Comparing Assistant