

GAHC010155292024



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

Case No. : AB/2035/2024

NABAJIT BORAH
S/O LIKHAN CHANDRA BORAH, R/O LECHIA NAGAR, PATARKUCHI,
NIRUPAMA VILLA, P.S.-BASISTHA, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR K HUSSAIN, MR. S RANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

03.09.2024

Heard Mr S Munir, learned counsel for the petitioner, Nabajit Borah, who has filed this application under Section under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Dispur PS Case No. 1882/2023, under Sections 420/406/294/506 of the Indian Penal Code, 1860.

2. Also heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
3. The FIR unfolds that the petitioner along with another person, namely, Bangshidhar Sarma are involved in a big scam in the guise of sanctioning PMEGP loan. All the PMEGP loans are sanctioned by the Bank Of India, for which they take a cut of Rs. 2.5 lacs against each date for which these are disbursed to the loanee. The informant was also promised a loan of Rs. 9.5 lacs in two installments by Bangshidhar Sarma and Nabajit Borah. He received an amount of Rs. 2.8 lacs through cheque on 21.03.2023. The cheque was issued by Nabajit Borah. Thereafter, the petitioner and Bangshidhar Sarma has been delaying in payment of the remaining amount. On 24.09.2023, Bangshidhar Sarma transferred Rs. 2 lacs via NEFT through the account of Unique Brands and transferred Rs. 1 lac via Google Pay, with a note- “payment against the loan.” It is alleged that the Bangshidhar Sarma is the proprietor of Unique Brands. On 25.09.2023, the informant and his wife repeatedly called both Bangshidhar Sarma and Nabajit Borah, but they did not respond to their calls.
4. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.
5. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.
6. I have considered the submissions at the Bar with circumspection.

7. It is submitted on behalf of the petitioner that he is willing to cooperate with the remaining part of investigation.

8. It is also submitted on behalf of the petitioner that he was not involved in the alleged scam.

9. I have considered the submission that the co-accused, who is the prime accused, Sri Bangshidhar Sarma, has already been enlarged on bail.

10. The petitioner being the Branch Manager is not a flight risk.

11. Considering all aspects, petition is allowed. The petitioner shall be 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 the learned CJM, Kamrup, (M), under the conditions that:

- i) The petitioner shall refrain from such activities with which they are alleged and maintain the peace,
- ii) The petitioner shall appear before the Investigating Officer every fortnight till completion of investigation, and
- iii) The petitioners shall not leave the jurisdiction of the Court without prior permission.

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

12. Send back the Case diary.
13. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant