

GAHC010173832024



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

Case No. : AB/2342/2024

SAMIR DADARAO NAIK
S/O DADARAO NAIK
R/O R203 2ND FLOOR,
ROSEMARY, SYNDICATE ARENA, RUPONKAR PATH, VIP ROAD,
GUWAHATI, PIN-781036
VERSUS
THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR B P BORAH, MR. A KHANDAKAR, MR P J DUTTA
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

Date : 25.11.2024

Heard the learned counsel Ms. J. Gogoi for the petitioner, Sri **Samir Dadarao Naik**, who has filed this application under 482 BNSS, 2023 with a prayer for pre-arrest bail as he is apprehending arrest in connection with Dispur P.S. Case No. 763/2024 under Sections 120B/ 420/ 468/471 IPC.

2. Heard Mr. K. Baishya, learned Addl. Public Prosecutor, Assam, appearing for the State respondent.

3. The learned Addl. PP has raised objection against the prayer of pre-arrest bail.

4. The FIR unfolds that the informant handed over the possession of land measuring 2 khatas of village kalaguru Path, Hengrabari, Guwahati to a builder Samim Ahmed and the builder failed to complete the project and the informant instituted a civil suit against the builder. A week before i.e. on 26.07.2024 some bank officials of the Bank of Baroda, Fancy Bazar informed the informant that the land has been given in mortgage to the Bank of Baroda against a loan of Rs. 2 crores 50 lakhs by one Sri Sanjay Rampuria and who has failed to repay the loan and thereby a notice was served upon the informant. It is submitted that the informant never mortgaged her land to any bank. The banking authority showed her some mortgage papers and documents then the informant noticed that a forged pan card and forged signature and photograph were produced in the bank by another woman and M/s. Sanjay Rampuria took loan of Rs. 2.50 lakhs in favour of M/s Sanjoy Rampuria.

5. It is submitted on behalf of the petitioner that the petitioner is a bank Manager of Bank of Baroda and took charge after the sanction of loan amount.

6. I have considered the submission that the petitioner is willing to co-operate with the investigation..

7. The case diary is received and perused.

8. I have considered the submissions of the learned counsel for the parties at the bar with circumspection.

9. I have scrutinized the case diary. The merits of this case are not brought to the fore as the case is still at the stage of investigation.

10. The petitioner is already on interim bail granted by this Court. The petitioner has appeared before the I.O. and has co-operated with the

investigation. The petitioner has not violated any conditions of the interim bail granted to him.

11. Considering the entire aspect of the matter and in view of my foregoing discussions, the interim order dated 24.10.2024 is hereby made absolute subject to the conditions that :-

- (i) the petitioner shall appear before the I.O. within 1 (one) week from today;
- (ii) the petitioner shall refrain from such activities with which he is alleged;
- (iii) the petitioner shall appear before the I.O. on every fortnight till completion of investigation,
- (iv) the petitioner shall not hamper the investigation or tamper with the evidence of the case, and
- (v) the petitioner shall not leave the territorial jurisdiction of the Elaka Magistrate, without prior written permission from him/ her.

12. On breach of any of the bail conditions, bail granted to the petitioner shall automatically stand cancelled.

13. Bail application is disposed of.

14. Send back the case diary.

JUDGE

Comparing Assistant