

GAHC010176162024



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

Case No. : Bail Appln./2575/2024

BANGSHIDHAR SARMA
S/O LATE SITAKANTA SARMA
RESIDENT OF HOUSE NO. 889, GANESH NAGAR PS BASISTHA, DIST
KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. R CHETRI, M S BAISHYA, MR N MILI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

02.09.2024

1. Heard Mr. R. Chetri, learned counsel for the petitioner Bangshidhar Sarma.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 07.07.2024 in connection with Dispur P.S. Case No. 1882/2023 under Sections

420/406/294 of the IPC.

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

4. The FIR unfolds that the petitioner along with another person, namely Nabajyoti Bora 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 Nabajyoti Bora. He received an amount of Rs. 2.8 lacs through cheque on 21.03.2023. The cheque was issued by Nabajyoti Bora. Thereafter, the petitioner and Nabajyoti Bora has been delaying in payment of the remaining amount. On 24.09.2023, the petitioner 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 petitioner is the proprietor of Unique Brands. On 25.09.2023, the informant and his wife repeatedly called both Banshidhar Sarma and Nabajyoti Bora, but they did not respond to their calls. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.

5. I have considered the progress of investigation. It appears that further custodial detention may not be required. Investigation has progressed to a considerable extent.

6. 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.

- 7. On breach of any of the bail conditions, bail order shall stand automatically cancelled.
- 8. Send back the Case diary.
- 9. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant