

GAHC010186172024



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

Case No. : AB/2402/2024

MAINUL HOQUE CHOUDHURY
C/O MANIRUDDIN AHMED
R/O HOUSE NO. 2,
BYE-LANE NO. 5,
SEWALI PATH, NEAR PURANBASTI NAMGHAR, F.A. AHMED NAGAR,
KHANAPARA, KAMRUP (M), ASSAM, GUWAHATI-781022

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR T H HAZARIKA, MR. D ROY, MR. K ISLAM, MR A RASHID, MR M CHETIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

11.11.2024

Heard Shri T.H. Hazarika, learned counsel for the petitioner. Also heard Ms. S. Jahan, learned Addl. Public Prosecutor, Assam.

Pursuant to the orders passed by this Court, the case Diary has been received.

The allegation against the petitioner, who was a Cashier in the Assam Gramin Vikash Bank, Dhula is with regard to the defalcation of money from the Bank amounting to Rs.13 lakhs approximately. In the FIR, it has also been stated that when the matter was detected, the petitioner was found to be absconding and his whereabouts were not able to be located.

Shri Hazarika, the learned counsel by referring to the averments made in paragraph 3 of the petition has submitted that there are adequate explanation of the entire matter wherein the petitioner has tried to implicate the Bank Manager for the entire offence. He has also submitted that the petitioner is not involved in any misappropriation.

Ms. Jahan, the learned Addl. Public Prosecutor, Assam submits that the materials in the Case Diary would *prima facie* indicate the involvement of the petitioner, who was a Cashier of the Bank. The further aspect that till date the petitioner is absconding would also go against the petitioner.

After consideration of the rival submissions and on perusal of the materials in the Case Diary, this Court is of the opinion that the present may not be a fit case for exercise of discretion to pass an order of anticipatory bail.

Accordingly, the petition is dismissed.

Case Diary returned herewith.

JUDGE

Comparing Assistant