

GAHC010208392024



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

Case No. : AB/2692/2024

JUNMONI HAZARIKA
S/O SHRI TAPAN HAZARIKA
R/O VILL- POKAMURA SONARI GOAN
P.O. POKAMURA, P.S. PULIBOR, JORHAT, DIST. JORHAT, ASSAM
PIN NO. 782004

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S SARMA, S J KALITA, B SAHA, MR B P SARMAH, MR D DAS, MR. C CHAKRAVARTY, MR. R HAZARIKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22-10-2024

Heard Mr. S. Sarma, learned counsel for the petitioner and Ms. S. B. Hazarika, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 482 of the BNSS, 2023, the petitioner, namely, **Shri Junmoni Hazarika** son of Shri Tapan Hazarika, resident of Village – Pokamura, District - Jorhat is seeking pre-arrest bail in connection with **Jorhat P.S. Case No. 383/2024** corresponding to G.R. No. 602/2024 registered under Sections 318(4)/319(2)/336(3)/61(2) of BNS, 2023.

3) As per the FIR of the case dated 17.09.2024, the informant/complainant Abdul Rahman before the Officer-in-Charge of Jorhat Sadar Police Station submitted that accused Brajen Hazarika introduced two persons as personnel of HDB Finance Company and they together fraudulently took lots of money from the informant on the pretext of providing him a loan from the HDB Bank. In that regard, those persons have also taken signatures of the informant in forged documents of the said Financial Institution.

4) As the informant did not receive any loan amount, he on 17.09.2024, visited the HDB Bank and came to know that the two persons introduced by the accused Brajen Hazarika are not the employees of the said Bank. Later, when in presence of the Branch Manager of said HDB Bank, accused Brajen Hazarika was asked, then, the concerned Manager of the Bank indicated that said accused Brajen Hazarika is not an employee of the said Bank. Accordingly, said accused Brajen Hazarika was handed over to police.

5) The informant of the case, in his FIR also stated that the accused Brajen Hazarika introduced one Lakhya Jyoti Baruah as Credit Manager of the HDB Bank and another Dhruba Jyoti Goswami as Branch Manager of the Bank and that those two persons introduced by the accused Brajen Hazarika are not Dhruba Jyoti Goswami and Lakhya Jyoti Baruah, who does not have any connection with the concerned Bank. In the said FIR dated 17.09.2024, the informant requested the authorities to do the needful and to punish the accused persons for their such fraudulent act.

6) Ms. S. B. Hazarika, learned Additional Public Prosecutor, Assam have placed the relevant case diary.

7) From the case diary, it is seen that police have already arrested the accused Brajen Hazarika and thereafter, issued notice to the present petitioner under Section 35(3) of the BNSS, 2023 directing him to appear before the concerned Investigating Officer of the case. However, inspite of receipt of notice, the petitioner did not appear before the concerned Investigating Officer of the case. Though the other accused persons, who received notice Section 35(3) of the BNSS, 2023 in said Jorhat P.S. Case No. 383/2024 appeared before the concerned Investigating Officer of the case and their statements have already been recorded.

8) It is seen from the case diary that the petitioner by impersonating himself as Sales Manager of the HDB Bank along with Brajen Hazarika and others fraudulently took money from the complainant falsely assuring him to provide bank loan from the said HDB Bank.

9) Case diary reveals sufficient incriminating materials against the petitioner with regard to his involvement in the alleged crime pertaining to said Jorhat P.S.

Case No. 383/2024.

10) Considering the materials in the case diary, this pre-arrest bail application of the petitioner, named above, in said Jorhat P.S. Case No. 383/2024 accordingly stands rejected.

11) Return the case diary.

JUDGE

Comparing Assistant