

GAHC010211242023



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

**Case No. : AB/3236/2023**

PRABAL BORAH  
S/O LATE TILAK CHANDRA BORAH  
R/O BORBORI VILLAGE, JARABARI  
P.S. NARAYANPUR  
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, STATE OF ASSAM

**Advocate for the Petitioner : MR A K BORAH**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 08.01.2024**

Heard Mr. H.S. Borah, learned counsel for the applicant. Also heard Mr. A. Baishya, learned Addl. Public Prosecutor for the State respondent and Ms. D. Pathak, learned counsel for the informant.

2. Apprehending arrest in connection with Narayanpur P.S. Case No. 69/2023,

under Sections 420/406 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Prabal Borah for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Bhabendra Nath Das on 11.07.2023. The essence of allegation made in the FIR dated 11.07.2023, is that the applicant who was working as an agent of L&T Finance Ltd. at Tezpur Branch, after collection of money from the customers, he had misappropriated a sum of Rs. 3,65,776/-, and thereby cheated the company and also committed breach of trust.

4. Mr. Borah, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 18.10.2023, and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, a contention has been made that the interim order dated 18.10.2023, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. Baishya, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that material part of the investigation is almost over and there remains to file charge-sheet only. However, Mr. Baishya submits that the witnesses examined by the I.O. have implicated the applicant with the offence alleged in the FIR, and therefore, Mr. Baishya has opposed the petition.

6. Ms. Pathak, learned counsel for the informant has also opposed the petition on the ground that there are sufficient materials to show the complicity of the applicant with the offence alleged in the FIR.

7. Having heard the submission of learned Advocates of both sides, I have

carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baishya, learned Addl. Public Prosecutor.

8. It appears that interim protection was extended to the applicant vide order dated 18.10.2023, and pursuant to the said order, he had appeared before the I.O. and that he has been cooperating with the investigating agency. Further, it appears from the case diary that material part of the investigation is almost over and there remains to file charge-sheet only.

9. In view of the above, this Court is of the view that custodial interrogation of the applicant is not required in the interest of investigation and therefore, this Court is inclined to make the interim order dated 18.10.2023 absolute in the same terms and conditions.

10. In terms of the above, this petition stands disposed of.

11. Case diary be returned.

**JUDGE**

**Comparing Assistant**