

GAHC010262672024



undefined

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

Case No. : AB/3286/2024

SMT NIRU BARUAH
W/O PALASH BARUAH
R/O VIL BARUAH GAON
BLOCK/SUBDIVISION- KHUMTAI
DIST. GOLAGHAT, ASSAM, INDIA
PIN- 785603

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A KAKOTI, J PEGU

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

16.12.2024

Heard Mr. A. Kakoti, the learned counsel appearing for the petitioner. Also

heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of North Guwahati P.S. Case No.152/2024, under Section 318(4)/338/316(2) of the BNS, 2024.

3. The petitioner was given a loan of ₹1.85 crore by the State Bank of India. Again, a cash credit loan was sanctioned to the petitioner for an amount of ₹1.30 crore for execution of contract works.

4. Thereafter, the term loan of ₹0.55 crore was sanctioned in favour of the petitioner for buying two Tippers. The Tippers were purchased and hypothecated to the State Bank of India.

5. It is alleged in the FIR that the foresaid two Tippers could not be found nor the present petitioner. It is also alleged that M/s. Bharat Engineering which was given the aforesaid loans, also stopped working.

6. I have considered the submissions made by the learned counsel of both sides.

7. A plain reading of the FIR, it can be presumed that the State Bank of India is interested in recovery of the money which it gave to the present petitioner. It may be stated that the State Bank of India has already started proceedings in the Debts Recovery Tribunal, which is being contested by the present petitioner.

8. A civil matter has been given a colour of a criminal case. For this reason, the present petitioner does not deserve to be detained in custody. His prayer for pre-arrest bail is allowed.

9. It is hereby directed that in the event of arrest in connection with North Guwahati P.S. Case No.152/2024, under Section 318(4)/338/316(2) of the BNS, 2024, the petitioner, namely- Smt. Niru Baruah shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority.

10. The petitioner shall co-operate with Police Investigating Officer as and when

required.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant