GAHC010030272020

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

Case No. : AB 513/2020

1:MAHESH KR. BOHRA @ MAHESH KR. JAIN
S/O LATE CHANDRA PRAKASH BOHRA, R/O KUMARPARA, HOUSE NO.2,
P.O.-PAN BAZAR, P.S.-BHARALUMUKH, KAMRUP (M), ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 11-02-2020

By filing this petition, under Section 438 of the CrPC, petitioner, namely, Mahesh Kr. Bohra @ Mahesh Kr. Jain, has sought for pre-arrest bail in the event of arrest in connection with Pan Bazar P.S. Case No. 49/2020 registered u/s. 420/406/323/506 IPC (GR No. 1167/2020).

Heard Mr. B. Gogoi, learned counsel for the petitioner and Mr. NJ Dutta, learned Addl. P.P. for the State.

Perused the case records, FIR and documents annexed.

The informant is the Director of M/s J.H. Agencies under BSPL(India) Pvt. Ltd., who

alleged that their agency dealt with the business of steel products with M/s Naruka Enterprise since 2012 and certain amounts is due from the said agency, in the tune of Rs.4,66,308/- and the said amount was not paid despite their demand.

It is further alleged that the accused-proprietor being the Manager (accused No.2) have not returned the money for which the dues accommodated and on their demand, now they have been threatened.

The petitioner, who was the then Manager of the said firm but now, he is working in another firm, contends that he has no liability to pay the amount alleged as he is not the proprietor of the firm in question.

Obviously, the matter relates to financial transaction and the proprietor of the firm will be primarily liable for such transaction entered into and such payment etc. The matter has a civil profile, than a criminal one. Custodial interrogation of the accused-petitioner is not warranted in the given backdrop. The prayer for pre-bail is granted accordingly.

The petitioner, named above, shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/-, with one surety of like amount, in the event of arrest in connection with the aforesaid case to the satisfaction of the arresting authority.

The application stands disposed of.

JUDGE

Milansinha

Comparing Assistant