GAHC010040862020

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

Case No. : AB 656/2020

1:RITUMONI BORA
S/O LT. SUDIPTA NARAYAN BORA, R/O NANDANPUR, MALOW ALI, P.O. AND P.S JORHAT, DIST. JORHAT (ASSAM)

VERSUS

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

Advocate for the Petitioner : MR. P P DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 16-03-2020

By this application u/s 438 Cr.P.C., the petitioner, namely, Smti Ritumoni Bora has prayed for pre-arrest bail apprehending arrest in connection with Jorhat P.S. Case No. 3620/2019 corresponding to GR Case No. 5112/2019 under Sections 120(B)/409/420/419/468 IPC.

Heard Mr. TJ Mahanta, learned senior counsel for the petitioner and Mr. H.K. Sarma, learned Addl. Public Prosecutor for the State. Also perused the FIR and the documents annexed therewith as well as the case diary produced today.

Learned counsel for the petitioner submits that there is no allegation against the

present petitioner in the FIR. Learned counsel for the petitioner further submits that police once called the petitioner for recording her statement and even after recording the statement, police is after her.

Allegation made in the FIR was that one Deepak Kumar Borah had fraudulently withdrawn huge amount of money from the bank by forging the signature of the Deputy Commissioner, Jorhat.

Case diary does not reflects any incriminating material showing complicity of the present petitioner, and as such, this Court is of the view that custodial interrogation of the petitioner may not be necessary for the investigation of the present case, and as such, the prayer for pre-arrest deserves to be allowed. Accordingly, it is provided that in the event of arrest of the petitioner in connection with the aforementioned case, she shall be released on bail of Rs. 20,000/- with a solvent surety of like amount to the satisfaction to the arresting authority. This pre-arrest bail shall be subject to the following conditions :-

i) The petitioner shall appear before the investigating officer within 15 days and co-operate with the investigation. (ii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

Send down the case diary. AB stand disposed of.

JUDGE

Comparing Assistant