GAHC010067012020

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

Case No. : AB 1067/2020

1:RUPAK DEBNATH
S/O- SRI TIMIR DEBNATH, R/O- KRISHNA NAGAR, LUMDING, P.S- LUMDING, DIST- HOJAI, ASSAM

VERSUS

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

Counsel for applicant : Mr. B. Chanda, Advocate.

Counsel for respondent : Mr. NJ Dutta,
Additional Public Prosecutor, Assam

BEFORE
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA

11.05.2020

Rupak Debnath has filed this application for anticipatory bail under Section 438 of the Code of Criminal Procedure in Nagaon Sadar PS Case No.660/2020 registered under Sections457/380 IPC.

2. The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology, so as to maintain distance between the staff, Advocates and the Presiding Judge.

3. I have heard Mr. B. Chanda, learned counsel for the applicant and Mr. N.J. Dutta, learned Additional Public Prosecutor, Assam.

4. I have gone through the contents of the F.I.R. The F.I.R. was registered at the instance

of Ntex Transportation Services Private Limited, Nagaon with the accusation that a theft has taken place in the office on 09.03.2020 in between 1 a.m. to 4 a.m. The thief entered the office cutting the lock ring through which the office had been locked. Cash amounting to Rs.6,22,679/- was taken from the table drawer in the main room. 32 shipments of the value of Rs.1,36,628 and CC TV hard-disk and monitor and a laptop had been taken away. The theft was noticed in the morning.

In the second part of the F.I.R. it has been stated that the complainant had suspicion on the applicant RupakDebnath who previously was in-charge of the office and has been involved in mishandling cash and mishandling of parcel ofRs.1,54,925/-. The said person knows everything about the office location, cash saving location, camera password etc.

5. Contention of the learned counsel for the applicant is that the applicant is indeed anex-employee, however he has been wrongly implicated only on suspicion and therefore, entitled to anticipatory bail.

6. I have considered the contention of learned counsel for the applicant. Offences of this nature of theft at night are generally not witnessed. There are no eye witnesses. In the case in hand, even the CCTV hard disk was taken away. In such circumstances, a free hand is required to be given to the Investigating Agency to conduct investigation.

7. I find no ground to grant bail under Section 438 of Cr.P.C in favour of the applicant/accused.

8. Dismissed.

9. Let copy of this order be provided under the signature of the Court Master.

CHIEF JUSTICE

Comparing Assistant