GAHC010164922020

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

Case No. : AB/3316/2020

TRINAYAN BORGOHAIN
S/O- MODAN BORGOHAIN, PERMANENT R/O- VILL- P.O. AND P.S. BOGINADI, DIST.- LAKHIMPUR, ASSAM, PIN- 787001, PRESENT ADDRESS- H.NO. 4, BYE LANE NO. 9, GAKUL PATH, SARUMOTORIA, GHY-06, DIST.- KAMRUP (M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 10-12-2020

Heard Mr. B. Chowdhury, learned counsel appearing for the petitioner. Also heard Mr. N.K. Kalita, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely **Trinayan Borgohain** apprehending arrest in connection with

Paltan Bazar P.S. Case No. 710/2020 corresponding to G.R. Case No. 11073/2020 registered u/s **406/420** of the IPC.

The Case diary, as called for, is placed before the Court.

Mr. B. Chowdhury, learned counsel appearing for the petitioner, submits that the petitioner is innocent and that a conspiracy was hatched up by some employees to oust him from the company's service.

Mr. N.K. Kalita, learned Addl. Public Prosecutor, submits that the case diary reveals that the petitioner was an employee of the Cholamandalam MS General Insurance Co. Ltd. and the I.O. has seized some documents showing acceptance of money from customers for the purpose of issue of fake policy to customers. It is, however, not apparent as to how the documents were forged and where the amount of premium received was credited as well as by whom.

The F.I.R. lodged by Cholamandalam MS General Insurance Co. Ltd. reveals that the petitioner, who is the sacked employee of the said Insurance Company, indulged in issuance of fake insurance policies to customers after collecting premium amounts and further, the document details did not match the office records.

A perusal of the case diary reveals that the above alleged fraudulent activities of the petitioner have come to the notice of the company after he was terminated from service and an insurance claim was received by the informant's office. The FSL (Handwriting Expert) reports on the seized policy is yet to be obtained and no detailed report on the connected office records is available. The investigation is, however, yet to be completed.

Having considered the pros and cons of the evidence, so far collected by the I.O., this Court is of the view that custodial interrogation of the petitioner may not be necessary in the interest of the ongoing investigation into the case.

Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 25,000/- (Rupees Twenty Five Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(i) That the petitioner shall appear before the Investigating Officer within 7 days;

(ii) That the petitioner shall not hamper or tamper with the investigation in any manner; and

(iii) That 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.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant