GAHC010171252020

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

Case No. : AB/3440/2020

BIRINCHI KUMAR PEGU
S/O BINANDA PEGU, R/O GARMUR KARPUN PULI, P.O.-JORHAT
ENGINEERING COLLEGE, DIST-JORHAT, PIN-785007

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S K BARKATAKI

Advocate for the Respondent : PP, ASSAM

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

11-12-2020

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioner, namely, ***Sri Birinchi Kumar Pegu,*** in connection with ***Jorhat P.S. Case No.2356/2020*** registered under Sections ***409/468/471*** of the Indian Penal Code.

Heard Mr. S.K. Barkataki, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam appearing for the State Respondent,

Case diary produced has been perused.

It appears from the materials in the case diary that the petitioner is alleged to have withdrawn Rs.50,000/- each from the accounts of two lady customers of the Post Office concerned. That apart, he is alleged to have misappropriated a sum of Rs.4 lakhs and odds,

which is said to have returned subsequently. A departmental enquiry is also going on against the petitioner.

Considering the materials so far collected, this Court is of the view that custodial interrogation of the petitioner is not essential for the purpose of investigation of the case.

Accordingly, it is provided that in the event of arrest of the petitioner above named, in connection with the case aforementioned, he shall be released on bail on his furnishing bail bond of Rs.20,000/-, with a suitable surety of the like amount, to the satisfaction of arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner :

(a) shall appear before the Investigating Officer of concerned Police Station, within seven days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant