GAHC010171282020

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

Case No. : Bail Appln./2664/2020

VIKASH CHANDRA
S/O SRI VINDESWAR SINGH, R/O WARD NO. 15, MAHINAVA, P.O.-MANER, P.S.-MANER, DIST-PATNA, STATE-BIHAR-801108, PRESENT ADD-B2/46 VIJYANT KHAND, GUMTI NAGAR, LUCKNOW-226010, UTTAR PRADESH

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A C BORBORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

18.12.2020:

This is an application under Section 439 Cr.P.C. filed by the petitioner Vikash Chandra praying for bail in connection with BI(EO) P.S. case No.16/2019 registered under Sections 120(B)/420/406/409/468/471 IPC.

Heard Mr. A. C. Borbora, learned counsel for the petitioner and Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the State respondent. Also perused the case diary produced today.

Learned counsel for the petitioner submits that the name of the petitioner is not mentioned in the FIR inasmuch as the allegation in the FIR is brought against the

loanee Sidhartha Das and the then Branch Manager Nalin Kumar Hazarika and some others. It is also submitted that some other cases were filed on similar allegation wherein this Court granted bail to the petitioner. Further contention of Mr. Borbora , learned counsel for the petitioner is that there was a departmental enquiry against the petitioner and other staff and no involvement of the petitioner was found in the offence. The conclusion of the departmental enquiry was that there may be some negligence of duty on the part of the petitioner. As per the allegation made in the FIR ,one Sidhartha Das obtained a loan from the informant bank for purchasing an excavator and the quotation was shown to have been brought from a firm entitled Prag Equipments. Later on, it was revealed that there was no existence of the firm Prag Equipments. Accordingly, it was alleged in the FIR that the Branch Manager Nalin Kumar Hazarika, connived with the borrower Sidhartha Das in furnishing the documents so as to facilitate the disbursement of loan in favour of said Sidhartha Das. A copy of the enquiry report has also been filed with the petition wherein it has been mentioned that connivance of the officials was not noticed. However, it was observed that due to negligence of the CSO, the borrower could be able to commit the fraud with the bank.

Case diary produced today has also been perused. Apparently, the accused has been in custody for more than two months. Having considered the nature of accusation and the length of detention as well as the materials in the case diary, further custodial deletion of the petitioner is not considered necessary and as such he is allowed to be enlarged on bail of Rs.20,000/- with a solvent surety of the like amount to the satisfaction of the Chief Judicial, Magistrate, Kamrup (Metro), Guwahati.

The bail application stands disposed of.

Send down the case diary.

JUDGE

Comparing Assistant