

GAHC010050032024



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

Case No. : AB/612/2024

DIPAK MAJUMDAR
S/O MOTILAL MAJUMDAR
R/O VILL- WARD NO. 3, BELTOLA, BOKAJAN BAZAR,
P.S. BOKAJAN,
DIST. KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.04.2024

Heard Mr. M. Alam, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Golaghat P.S. Case No.208/2023 under

Section 120B/406/468/419/420/34 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Dipak Majumdar, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Trallukya Das, Area Business Manager, Mahindra & Mahindra Financial Services Ltd., on 07.07.2023. The essence of allegation made in the aforesaid FIR is that one Shasankar Handique, who was serving with Mahindra Finance along with one dealer sales person, namely, Md. Muktar Hussain had some conspiracy by forging and fabricating some documents of borrowers, co-borrowers and guarantors and got the loan sanctioned and thereafter, delivered 27 nos. of vehicles to the borrowers, who have initially paid monthly installments to the company but later on they withheld payment and thereby, they have cheated the company and caused heavy loss to the company.

4. Mr. Alam, learned counsel for the applicant submits that this Court, vide order dated 04.04.2024, was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 04.04.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and his statement is recorded. Further, Mr. Sarma submits that the investigation of the case is still going on.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the applicant had appeared before the I.O. and his statement is also recorded and he has been cooperating with the investigating agency and in view of above and also in view of the stage of investigation, custodial interrogation

of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 04.04.2024, absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant