

AB 4401/2014
BEFORE
HON'BLE MR. JUSTICE AK GOSWAMI

Heard Mr. T. Deuri, learned counsel for the petitioners. Also heard Mr. Z. Kamar, learned Public Prosecutor, Assam.

By filing this application under Section 438 Cr.P.C., the petitioners, namely, (1) Shri PranabJyoti Dutta and (2) Shri Bijay Rajkhowa, are praying for grant of pre-arrest bail in connection with Jorhat P.S. Case No.1137/2014 under Section 406/420 IPC.

By an order dated 26.09.2014, while calling for the case diary, the petitioners were granted the privilege of interim pre-arrest bail, pending consideration of the case diary.

The Public Prosecutor could not produce the case diary today.

It appears that the petitioners and the informant are friends and doing business for a period of about 10 years. Allegations in the ejahar are to the effect that on 10th January, 2013, the petitioner No.2 and on 15th January, 2013, the petitioner No.1 had taken loan of Rs.1 lakh each from the informant without interest. Both of them had issued cheques and when the cheques were sought to be encashed, there was no money in their respective accounts. The request for return of the money was also not favourably responded.

Having regard to the nature of the allegations leveled in the ejahar, I am inclined to make the interim order absolute.

Accordingly, it is provided that in the event of arrest of the petitioners, in the aforementioned case, they shall be allowed to go on bail of Rs.5,000/- each with one local surety each of the like amount to the satisfaction of the arresting authority.

The bail application stands disposed of.