

AB 2586/2016

BEFORE

HON'BLE MR. JUSTICE M. R. PATHAK

Heard Mr. M Mondal, learned counsel for the petitioner and Mr. T K Mishra, learned Additional Public Prosecutor appearing for the State.

The petitioner, namely, Md. Ekramul @ Ekramul Hussain, has filed this application under Section 438 Cr.P.C. seeking pre-arrest bail in Dhing P.S. Case No.303/2016 registered under Sections 420/406 of the IPC.

Perused the case diary.

Matter relates to forged withdrawal of sanctioned money from the Assam Gramin Bikash Bank, Tuktuki Branch payable to the students of Sutragaon Public High School as scholarship.

It is alleged that the petitioner, being the Manager of the Customer Service Point of Assam Gramin Bikash Bank, Tuktuki had withdrawn an amount of Rs.3,90,000/- payable to the students of Sutragaon Public High School @ Rs.5,000/- and after withdrawal of the said amount, the petitioner did not deposit the same to the concerned school for its necessary disbursement.

The case diary reveals that after obtaining interim bail on 15.12.2016 and further order dated 18.01.2017, the petitioner appeared before the concerned Investigating Officer and his statement was recorded and further deposited an amount of Rs.3,90,000/- in new currency notes of denominations of Rs.2000/- with the Investigating Officer of the said Dhing P.S. Case No.303/2016 that he had withdrawn earlier.

Considering the said report of the concerned Investigating Officer, the Court is of the view that custodial detention of the petitioner is not warranted for his interrogation to investigate the aforesaid Dhing P.S. Case No.303/2016.

Accordingly, this pre-arrest bail application of the petitioner is accepted.

The petitioner is already on interim bail in the said Dhing P.S. Case No.303/2016 granted earlier by this Court on 15.12.2016 and the same is hereby made absolute in the same terms and conditions.

However, it is made clear that the petitioner, namely, Md. Ekramul @ Ekramul Hussain shall appear before the Investigating Officer of the said Dhing P.S. Case No.303/2016 whenever he is required for necessary investigation of the case, shall not threaten or intimidate the informant or any other witnesses of the case concerned and shall not hamper or tamper the evidence of the case.

Any violation of the aforesaid terms and conditions by the petitioner, Md. Ekramul @ Ekramul Hussain, the bail granted to him in the aforesaid Dhing P.S. Case No.303/2016 shall stand automatically vacated.

A copy of the report dated 24.01.2017 with regard to depositing of Rs.3,90,000/- in new currency notes of denominations of Rs.2000/- received by the concerned Investigating Officer of the said Dhing P.S. Case No.303/2016 from the accused petitioner be kept as a part of the record.

Return the case diary.

With the above order, this pre-arrest bail application of the petitioner stands disposed of.