

GAHC010069112020



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

**Case No. : Bail Appln. 878/2020**

1:DEEPAK KR. BORAH  
S/O- PRABHAT BORAH, R/O- VILL- POKAMURA, P.S- JORHAT, DIST-  
JORHAT, ASSAM, PIN- 785004

VERSUS

1:THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

***Counsel for the applicant*** : Mr. R. Sharma

***Counsel for the respondent*** : Mr. N.J. Dutta,  
Additional Public Prosecutor, Assam

**B E F O R E**  
**HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA**

30-03-2020

1. Shri Deepak Kr. Borah has filed this application for bail under Section 439 of the Code of Criminal Procedure, 1973 in Jorhat P.S. Case No.3620/2019 under Section 120(B)/409/420/419/468 I.P.C.
2. The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology, so as to maintain distance between the staff, Advocates and the Presiding Judge.
3. I have heard Mr. R. Sharma, learned counsel for the applicant and Mr. N.J. Dutta, learned Additional Public Prosecutor, Assam for the respondent.
4. As per the accusation in the FIR, registered at the instance of Deputy

Commissioner, Jorhat, by way of forging signatures of Deputy Commissioner and Finance & Accounts Officer, money has been withdrawn by the applicant.

5. Contention of learned counsel for the applicant is that a sum of Rs.28,50,000/- has already been returned to the police in the course of investigation.

6. Mr. N.J. Dutta, learned counsel for the prosecution contends that the total sum of money withdrawn by way of forgery is in the vicinity of Rs.77 lakhs. The applicant himself has given his statement explaining that he had spent the money for his own benefit.

7. I have considered the rival contentions. Forging signatures of the Deputy Commissioner and another public servant and withdrawing money from the bank constitute a serious offence.

The amount withdrawn is also large. Prima facie, commission of offence is made out.

8. I do not find any ground to grant bail to the applicant.

9. Dismissed.

10. Let a copy of this order be provided under the signature of the Court Master.

CHIEF JUSTICE

**Comparing Assistant**