

GAHC010005502022



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

Case No. : AB/125/2022

RAJESH KALITA
S/O ARUN KALITA
KACHARIBASTI, RAJBARI PATH,
GANESHPURI, P.S. DISPUR, GUWAHATI, DIST. KAMRUP (M), ASSAM-781006

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R DE

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

28.04.2023

1. Heard Mr. R. De, learned counsel appearing for the petitioner as well as Mr. K.K. Parasar, learned Addl. P.P. appearing for the State respondent.
2. The petitioner, namely, Rajesh Kalita, has filed this application under Section 438 Cr.P.C with prayer for pre-arrest bail as he is apprehending arrest in connection with Dispur P.S.

Case No. 4534/2021, under Sections 120(B)/406/420/468/471 IPC.

3. I have considered the submissions at the Bar and I have also perused the case diary.
4. The allegation against the petitioner is that he has misappropriated an amount of Rs. 11,33,566/-, which was collected by him from the beneficiaries for Hero Fincrop Limited (HFCL).
5. It is submitted at the Bar that the petitioner also had lodged an FIR of misappropriation of funds against two other agents of the same company and the FIR is marked as Annexure-C. It is also submitted that the petitioner has also repaid a considerable amount of money to the company under which, he was working as an Agent.
6. It is submitted at the Bar that the petitioner has appeared before the I/O and he has co-operated with the investigation. The petitioner's agency has been terminated and he is yet to receive his commission.
7. The petitioner is a local resident and he is not a flight risk. The petitioner has also pledged to cooperate with the remaining part of the investigation.
8. In view of my foregoing discussions, the interim order dated 26.04.2022 is hereby made absolute with the same terms and conditions.

Send back the case diary.

JUDGE

Comparing Assistant