

GAHC010219112023



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

Case No. : AB/3368/2023

DHANESWAR BRAHMA
S/O LATE TILICHARAN BRAHMA
R/O DOTMA CHARIALI
P.O. AND P.S. DOTMA
DIST. KOKRAJHAR, ASSAM
PIN-783347

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M SHARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30.11.2023

Heard Mr. S. Deka, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State respondent, who has submitted that in pursuant to the direction of this Court she had spoken to the

Investigating Officer of Dotma P. S. Case No. 2/2015 who has informed her that in pursuant to the direction of this court, the petitioner had appeared before the Investigating Officer and had co-operated in the investigation and his further custodial detention is also not necessary for the completion of the investigation of Dotma P. S. Case No. 2/2015 .

It is submitted by the learned Additional Public Prosecutor that on perusal of the record it appears that Dotma P. S. Case No. 2/2015 was registered on the basis of an FIR which was lodged on 04.02.2015 by one Zonal Manager, UCO Bank Zonal Office, Bongaigoan, inter-alia, alleging that certain fraudulent practices were committed by the Branch Head of the UCO Bank, namely, Dhaneswar Brahma.

Learned counsel for the petitioner has submitted that though his earlier bail application filed before this Court in the year 2020 was rejected by this Court, thereafter, he had appeared before the Investigating Officer and had co-operated with the Investigating Officer.

The submissions made by learned counsel for the petitioner is supported by the submissions made by learned Additional Public Prosecutor which she is making on the basis of information received from the Investigating Officer.

Considering the facts of this case and the submissions made by the learned counsel for both the sides, this Court is of considered opinion that the custodial detention of the petitioner, namely, Dhaneswar Brahma does not appear to be necessary for fair completion of the investigation of Dotma P. S. Case No. 2/2015. Therefore, in the event of his arrest in connection with Dotma P. S. Case No. 2/2015, the arresting authority shall allow him to go on bail of Rs. 30,000 (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the arresting authority subject to the following conditions:

- i. That the petitioner shall co-operate in the investigation.
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

With the above observation, this anticipatory bail application is accordingly disposed of.

JUDGE

Comparing Assistant