

**Present: C.B. Gogoi, Sessions Judge,
Sonitpur, Tezpur.**

Misc.(Crl) Case No. 447/2021

ORDER

03-01-2022

This is an application u/s 438 Cr.P.C. filed by accused/petitioner Smti Upasana Saikia in connection with Thelamara P.S. Case No. 169/2021 corresponding to G.R. Case No. 3958/2021 u/s 420/406/465/34 IPC.

I have heard the learned lawyers appearing for both sides and also gone through the contents of the case diary.

Learned counsel appearing for the accused submitted that the Hon'ble Gauhati High Court granted interim bail to other co-accused/petitioners connected with this case. So, the learned counsel press for interim bail contending that the present petitioner is not guilty of commission of offences as alleged in the FIR. She has been performing her duties as per bank's norms and there is no deviation of norms/rules. The loan has been sanctioned in the name of aggrieved persons but as per procedure it is not directly deposited in their account and the present petitioner is nowhere responsible for any misdemeanor as alleged in the FIR.

Having heard the contention of the learned counsels appearing for both sides and on perusal of the contents of the case diary, it transpires that a prima facie case of anomaly, cheating, breach of trust and forgery is apparent as many poor women have been cheated by a collaborative efforts of many persons like Sibankar Das, Nanu Boro, Kaustav Das, Gautam Saikia, Pinku Xaxa and present petitioner Upasana Saikia in the pretext of making them self dependent by availing loans against various schemes and as it appears around Rs. 60,00,000/- were withdrawn and deposited in the account of one Dilip Nath and the victims have come to know about misdemeanor and malpractice adopted by a consortium persons including the present petitioner thereby deprived the poor, innocent and rustic village women who come to know about the malpractice when bank issued notice to them for repayment of loan. Nowadays, it is common to cheat weak and

innocent by unscrupulous persons and in collaboration and nexus with unscrupulous bank officials.

In such circumstance, knowledge, complicity and nexus of the present petitioner being the key bank official who has been named by the witnesses repeatedly made out a strong case of involvement of the petitioner in the commission of the alleged offence.

Therefore, given the serious dimension of the offence and its consequences that may follow, this court does not consider it a fit case to accord the benefit of pre-arrest bail to the accused/petitioner Upasana Saikia.

In the result, pre-arrest bail prayer stands rejected.

Let the case diary be returned in seal cover.

Accordingly, Bail application stands disposed off.

Sessions Judge
Sonitpur, Tezpur.