

Bail Appln. No. 09 OF 2016

----- Petitioner.

-VERSUS-

State of Sikkim. ----- Respondent.

ADVOCATE (S)

FOR ----- Mr. A. Moulik, Sr. Advocate with K. D. Bhutia, and
Mr. Ranjit Prasad.

ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma
Thinlay, Addl. Public Prosecutor, Mr. S. K. Chettri,
Asstt. Public Prosecutor and Ms. Pollin Rai, Asstt.
Public Prosecutor.

**Bail Appln. No. 09/2016
Anjan Biswas vs. State of Sikkim**

**BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.**

01. 27.10.16 Present: Mr. A. Moulik, Sr. Advocate with Ms. Kessang Diki Bhutia, Mr. Ranjit Prasad and Ms. Tshering Uden Sherpa, Advocates for the Petitioner.

Mr. Karma Thinlay, Addl. Public Prosecutor with Ms. Pollin Rai, Asstt. Public Prosecutor for the State.

Ms. Elimith Lepcha, IO of RC-08/2016 and Mr. Motilal Pradhan, IO of RC-06/2015.

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The case, as projected by the petitioner, is that the petitioner was working as Special Assistant in Central Bank of India, Ranipool Branch. One Sajan Kumar Agarwal and Anand Agarwal, Government contractors, had obtained false Bank Guarantees for a sum of Rs.2.65 crores and Rs.2.90 crores respectively from the Central Bank of India, Ranipool Branch in favour of the Secretary, Irrigation Department, Government of Sikkim and obtained the contract on the basis of the said false Bank Guarantees. It is submitted that both the accused were arrested on the basis of FIR lodged on 06.06.2015 as well as on 09.05.2016 respectively and released on bail. Learned Senior Counsel further submits that the petitioner has no role in issuance of said Bank Guarantees as the Ranipool Branch itself has no competence to issue Bank Guarantee.

On the other hand, Mr. Karma Thinlay, learned Additional Public Prosecutor submits that the petitioner is required for investigation, accordingly, several letters were sent to him, but he has not presented himself for

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examination and investigation. The petitioner may be required for custodial investigation also.

Be that as it may, without making any observation on the merit of the case as submitted by the learned Senior Counsel that the petitioner is available for investigation and will present himself at a place on the relevant date and time as pointed by the Investigating Officers and cooperate with the investigation.

Accordingly, the petitioner is directed to present himself before Mr. Motilal Pradhan, IO of RC-06/2015 and Ms. Elimith Lepcha, IO of RC-08/2016 for investigation on 3rd or 4th November, 2016 and thereafter as and when required by IOs. However, it is made clear that the petitioner shall not be arrested till the next date of hearing.

The prosecution is at liberty to make application for further direction.

Call on 10.11.2016.


Chief Justice
27.10.2016

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Index : Yes / No
Internet : Yes / No