

GAHC010025102026



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

**Case No. : AB/291/2026**

PULAKESH DEKA  
S/O MOHESWAR DEKA, R/O ALAGJHARI 1 NO. GOSAI CHAPORI,  
P.S.MONGALDOI, DIST. DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY PP, ASSAM.

**Advocate for the Petitioner** : MR. B K GOGOI, MR B DEORI

**Advocate for the Respondent** : PP, ASSAM, MR. A N I HUSSAIN, MR. R DUBEY, MS. A B KAYASTHA, MS N B KAYASTHA

**BEFORE**  
**HON'BLE MRS. JUSTICE MITALI THAKURIA**

O R D E R

Date : 26.02.2026.

Heard Mr. B.K. Gogoi, learned counsel for the petitioner. Also heard Mr. P.S. Lahkar, learned Addl. P.P., Assam appearing on behalf of the State respondent and Mr. R. Dubey, learned counsel for the informant.

This is an application under Section 482 of BNSS, 2023 praying for grant of pre-

arrest bail to the accused/petitioner, namely, Sri Pulakesh Deka who is apprehending arrest in connection with the Palashbari P.S. Case No. 297/2025, registered under Sections 61(2)/338/340(2)/318(4) of the BNS, 2023.

The case diary is received and perused the same.

It is submitted by Mr. Gogoi, the learned counsel for the petitioner that the present accused petitioner is innocent and he has not committed any such offence as alleged in the FIR. However, he admitted that there were some fault on his part at the time of verification as there were some defects in the verification, as the verification was not duly done at the time of opening the account in the name of the company. However, from the FIR itself it is seen that the bank account was opened on the basis of the credentials of the informant, which were produced before the Bank authority and he being a subordinate staff to the bank officer, had also complied with the order of the Bank Manager at the time of opening of the account. He further submitted that the account was opened on 22.10.2024 and thereafter he got his transfer order in the month of December, 2024 and he was never present in any kind of transactions what had happened in the said bank account. However, he is still ready and willing to extend his cooperation with the further investigation of the case, if he is granted with some interim protection.

Mr. Lahkar, the learned Addl. P.P., Assam submitted in this regard that opening of the account itself is illegal wherein without any proper verification of the person concerned, the account was opened wherein the other bank officials were also involved in opening an account in a fictitious name. He further submitted that the petitioner is the person who had identified the proprietor of

the company i.e. the informant without even visiting to his place of residence and without proper verification of signature of the informant. Accordingly, Mr. Lahkar raised objection and submitted that the custodial interrogation of the petitioner may be necessary for the interest of investigation.

Mr. Dubey, the learned counsel for the informant submitted in this regard that the account was on 24.10.2024, by the prime accused one Sanjay Sarkar with every knowledge that there will be an order for refund of the tax amount and in that view only, the account was opened prior to the order passed by this Court and passed in the contempt proceeding. He further submitted that in connivance with the bank officials including the present petitioner, the account was opened in the name of the proprietor of the company without doing any verification and even without visiting the place of residence of the informant. He further submitted that the informant resides outside Assam and from the conduct of the petitioner itself, it is seen that he never visited to the house for verification of signature and other credentials, on the basis of which the account was opened in the name of the proprietor of the company. In view of this, Mr. Dubey, the learned counsel for the informant also raised objection and submitted that it is not a fit case for granting the privilege of pre-arrest bail to the petitioner, whose custodial interrogation may be required for the purpose of investigation.

After hearing the submissions made by learned counsels for both sides, I have also perused the case diary.

On perusal of the case diary it is seen that earlier the present accused petitioner was asked to appear in the police station and accordingly, he appeared before

the police, his statement was recorded and thereafter, he was released from the police station with a direction to appear on 08.02.2026. However, from the case diary it reveals that during the investigation of the case, it has come to light that the present petitioner is also involved in opening the bank account by using credentials of the informant and forging his signatures. But there are no such materials in the case diary as to whether the present petitioner was involved in forging his signature, though it was an admitted fact that on the basis of the credentials of the informant, an account was opened in the name of proprietor of the company. Further from the materials available in the case diary, it is also seen that some other bank officials including the Branch Manager may also involved in opening the said bank account, wherein the present petitioner was working as a source person.

So considering all aspects of the matter including the materials available in the case diary and also considering the earlier statement of the present petitioner recorded in the police station, this Court is of the opinion that interim protection may be provided to the present petitioner so that he can appear and cooperate in the investigation of this case and can disclose the other relevant matters vis-à-vis the other relevant documents, which may be necessary for the purpose of investigation, till disposal of the present pre-arrest bail petition.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Sri Pulakesh Deka in connection with the Palashbari P.S. Case No. 297/2025, registered under Sections 61(2)/338/340(2)/318(4) of the BNS, 2023, he shall be enlarged on interim pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees twenty thousand) only, with one surety of like amount, to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) that the petitioner will make himself available for interrogation by the Investigating Officer within 7 (seven) days;
- (ii) that the petitioner will fully co-operate with the investigation of this case and will appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid case; and
- (iii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer.

List the matter on 24.03.2026 for the updated case diary.

JUDGE

**Comparing Assistant**