

GAHC010020292023



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

Case No. : AB/290/2023

CHITTA KAMAL BEZBORAH
S/O- BIREN BEZBORAH, R/O- JALUKONIBARI, P.O. JALUKONIBARI, P.S.
TITABOR, DIST. JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-06-2023

Heard Mr. D. Sarmah, learned counsel for the petitioner and Mr. P.S.Lahkar, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Sri Chitta Kamal**

Bezborah, apprehending his arrest, is seeking pre-arrest bail in Mariani Police Station Case No. 178/2022 registered under Sections 406/420 IPC read with Sections 4/5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978, corresponding to G.R. Case No. 442/2022.

By order dated 03.02.2023, the Court granted interim bail to the petitioner in said Mariani P.S. Case No. 178/2022.

Perused the case diary placed before the Court today by Mr. Lahkar, learned Additional Public Prosecutor, Assam.

The case diary reveals that though the petitioner appeared before the concerned Investigating Officer of the case on 07.02.2023 but he did not state anything in connection with said Mariani P.S. Case No. 178/2022 and did not co-operate with the investigation of the case. However, the concerned Investigating Officer of the case after following all the formalities allowed him to go on bail.

Mr. Lahkar, learned Additional Public Prosecutor, Assam from the case diary submits that the petitioner is a journalist by profession who solicited local people through whatsapp group to invest their money in an non-existing organization namely, Boston Dynamic Assam telling local people that their deposited amount in the said organization will be double within a short period of time and that said organization is paying 5% GST to the Central Government and in that manner, the petitioner cheated large number of local people forcing them to invest their money to the said non-existing organization.

Case diary also reveals that said Boston Dynamic Assam is no longer in exists in the State of Assam and it is not possible to find out the said organization in any whatsapp group.

During the deliberation of the matter, Mr. Sarmah, learned counsel for the petitioner placed before the Court a copy of the order dated 15.05.2023 passed in AB No. 230/2023 wherein a Co-ordinate Bench of this Court granted interim pre-arrest bail to the present petitioner in Titabor P.S. Case No. 167/2022 registered under Sections 406/420 IPC which relates to the similar issues involved in the present case.

Considering the submissions made by the learned counsels for the parties and the materials available in the case diary which clearly reflects that the petitioner and another co-accused person of the case escaped from Mariani and stayed at Guwahati after taking away the money invested by

people through whatsapp in said Boston Dynamic Assam organisation and also considering the Note of the concerned Investigating Officer of the case regarding non-cooperation of the petitioner for investigation of said Mariani P.S. Case No. 178/2022, the Court is of the view that custodial interrogation of the petitioner is not warranted to investigate said Mariani P.S. Case No. 178/2022. As such, this pre-arrest bail application of the petitioner, named above, in said Mariani P.S. Case is accepted.

The petitioner, namely, **Sri Chitta Kamal Bezborah** is already on interim bail in said Mariani P.S. Case No. 178/2022 granted to him earlier on 03.02.2023 and the same is hereby made absolute on the terms and conditions that the petitioner shall (i) appear before the Investigating Officer of Mariani P.S. Case No. 178/2022 **on every Monday during the 1st half of the office hours between 10:00 am to 02:00 pm in the week commencing from 04.07.2023 for the next 10 (ten) weeks** and thereafter, as and when he is required for necessary investigation of the case; (ii) not indulge in any kind of offences or criminal activities in future; (iii) not leave the territorial jurisdiction of the Mariani Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iv) not hamper with the investigation, or tamper with the evidence of the case and (v) not, directly or indirectly, make any inducement, threat to the complainant or anyone of his family members or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

With the above observation and directions, this pre-arrest bail application of the petitioner, accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant