

GAHC010044092023



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

Case No. : AB/679/2023

ABHISEKH NATH
S/O- LATE HARESH NATH,
R/O- VILL- BORBIL NO. 1,
AMBIKA PATH, 786161,
P.O. AND P.S.- DIGBOI,
DISTRICT- TINSUKIA, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

23.03.2023

Heard Mr. S. Borthakur, the learned counsel for the petitioner and Ms. N. Das, learned Addl. P.P. appearing for the State of Assam.

This is an application filed under Section 438 Cr.P.C., praying for grant of pre-arrest bail to the petitioner in connection with Haflong P.S. Case No. 16/2023, registered under Sections 120(B)/420/406/468/471 IPC (corresponding G.R. No. 52/2023).

Mr. Borthakur, the learned counsel for the petitioner has submitted that the accused is no way connected in the alleged offence. He is a Disc Jockey (DJ) by profession and the petitioner came in contact with the prime accused Narendra Nath Sinha only in a cultural event organized by "Norman Group", a proprietorship firm of prime accused Narendra Nath Sinha. He used to get in touch with Narendra Nath Sinha only with expectation that he would get other events. But later on, the prime accused requested him to provide his bank account for the purpose of receiving money on his behalf as his bank account was not in a condition to be operated. Thereafter, the petitioner noticed that a substantial amount has been credited to his account. On being informed, he again debited as per advice of Narendra Nath Sinha and that apart, he is no way involved with the alleged offence and his name has been falsely implicated with this case.

Further, it is submitted that the bank account of the present accused is not fridge by the I.O. for the purpose of investigation and merely on suspicion his

name has been implicated in this case. He is ready to co-operate with the I.O. in the investigation of this case, if bail is granted to him.

In this regard, Ms. N. Das, learned Additional Public Prosecutor has submitted that the Case Diary reveals sufficient incriminating materials against the present accused/applicant. She also submits that the accused/applicant along with co-accused used to supply fake order and on the basis of which they used to collect huge sum of amount, which they used to deposit in the account of the present accused/applicant along with some other involved person's accounts.

Further, it is also submitted that during the investigation of this case, the IO found that the arrested accused named Narendra Nath Sinha with other co-accused and the present accused/applicant were doing this fraud since long time. The actual account holder is the present accused/applicant and he has received money from different purchasers of Assam. And also the present accused/applicant is operating the multiple bank accounts for doing fraudulent activities and the entire transaction is amounting to Rs.2.5 crores. Accordingly, the learned Additional Public prosecutor has raised objections on the prayer made by the accused/applicant.

After hearing the submissions made by the learned counsel for both the sides.

I have also perused the note of the I.O. and the objection, wherein it has been stated that the present petitioner is very much involved with the alleged offence and the accused Narendra Nath Sinha along with the present accused petitioner and others having been doing this fraud with fake supply orders since long. And this case is still at the investigation stage.

Accordingly, the prayer for bail is rejected.

In view of the above and also considering the nature and gravity of the offence, I am of the view that this is not a fit case, where, the privilege of pre-arrest bail can be granted to the accused at this stage and accordingly, the same stands rejected.

In view of above, this Anticipatory Bail stands disposed of.

Case Diary is returned.

JUDGE

Comparing Assistant