

GAHC010093592023



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

Case No. : Bail Appln./1610/2023

PALLAVI RABHA @ PALLABI RABHA
D/O TILOK CH. RABHA
R/O LOKHRA, LALUNG GAON
DPS ROAD, IN THE DISTRICT OF KAMRUP (M), GUWAHATI-781040, ASSAM,
INDIA.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J I BORBHUIYA
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-05-2023

Heard Mr. J. I. Borbhuiya, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State. Also heard Mr. Rajib Kashyap Gupta, learned counsel for the informant.

By this application under Section 439 Cr.P.C. the petitioner, namely, **Smti. Pallavi Rabha @ Pallabi Rabha** is seeking bail in **Bharalumukh Police Station Case No.120/2023** registered under Sections 406/420/468 IPC, wherein, she was arrested on 28.04.2023 and since then, she is in custody.

It is alleged by the informant in the FIR of the case that the petitioner along with two others, namely, Roopjyoti Kalita and his colleague Smti. Barsha Nath Kalita duped him of Rs.9,30,000/- for transferring an IMFL On Shop to him that has a valid licence in the name of one Moina Rajbongshi, of which the petitioner is the attorney.

The informant came to know that the petitioner along with said Roopjyoti Kalita and his colleague, Smti. Barsha Nath Kalita, fraudulently took an amount of Rs.8,80,000/- by cheque and Rs. 50,000/- in cash on 13.05.2022 that was given by the mother of the friend of the informant and then, he lodged the FIR of the case on 12.04.2023.

The petitioner was arrested on 28.04.2023 in said Bharalumukh P. S. Case No.120/2023 and since then, she is in custody.

Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

It is seen that the petitioner as the attorney of one Moina Rajbongshi licence holder of one IMFL On shop entered into an agreement with the informant and his friend namely, Sanchita Bora on 10.03.2023 promising them to handover the said IMFL On shop licence which is in the name of Moina Rajbongshi admitting the fact that the money of Rs.8,80,000/- and Rs. 50,000/- received by her will be returned to the informant and his friend on her failure to transfer the said IMFL On shop licence in favour of the informant.

The concerned I.O. of said Bharalumukh P. S. Case No.120/2023 by communication dated 19.05.2023 through Mr. M. P. Goswami, learned Additional Public Prosecutor apprised the Court that there are some other cases including complaint cases and Bharalumukh P.S. Case No.252/2022 are pending against the petitioner and that she is a habitual offender in taking money by fraudulent manner, duping the investors.

In the case in hand, it is seen that there is an agreement between the parties regarding the said IMFL On shop of Moina Rajbongshi.

Considering the above and the period of detention of the petitioner in custody since 28.04.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Bharalumukh P. S. Case No.120/2023. As such, this

bail application of the petitioner in said Bharalumukh P.S. Case is accepted.

Accordingly, the petitioner, namely, **Smti. Pallavi Rabha @ Pallabi Rabha**, be released on bail in said Bharalumukh P. S. Case No.120/2023, if there is no other impediment in releasing her on bail, on furnishing a bail bond of Rs.2,00,000/-, with 2 (two) local sureties, of the like amount, to the satisfaction of the learned Chief Judicial Magistrate Kamrup (Metro), Guwahati on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Bharalumukh P. S. Case No.120/2023 as and when she is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Bharalumukh Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** she 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to her in the aforesaid Bharalumukh P. S. Case No.120/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant