

GAHC010136772023



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

Case No. : Bail Appln./2207/2023

JITUSH SHOME
S/O- BADAL SHOME, R/O- RAM KRISHNA ROAD, NEAR WATER TANK, P.O.
NAGAON, P.S. NAGAON SARDAR, NAGAON, ASSAM- 782001

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR F KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

27.06.2023

Heard Mr. F. Khan, learned counsel for the accused petitioner. Also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused/petitioner, namely **Jitush Shome** has prayed for grant of bail in connection with **Mikirbheta P.S. Case No.90/2023** under Sections **120B/406/420/468** of the IPC read with Sections

66(C)/66(D) of the I.T. Act.

The case diary, as called for, is placed before the Court.

The FIR reveals the allegation that on 06.04.2023, during naka checking the police intercepted one vehicle bearing registration No. AS-01-EY-7385 wherefrom 384 numbers of ATM cards were recovered and seized. After interrogation of the persons inside the vehicle, they stated that they had collected those ATM cards from various persons. It is suspected that the accused persons collected those ATM cards by forging documents of some local people for using the schemes of the government through cyber crime. During interrogation accused Saddam Hussain stated that he had a CSP in his wife's name and that some CSP owners had also provided the seized ATM cards to them to withdraw money which are credited to the descent people's ATM cards from different government schemes.

It is noticed that the accused petitioner has been in judicial custody since 12.05.2023, that is, for 47 days.

Perusal of the case diary shows that the accused petitioner provided forged documents and collected ATM cards from innocent people for running the racket of withdrawing money of various govt. schemes like Pradhan Mantri Jan Dhan Yojana, Pradhan Mantri Bima Yojana, Minority Scholarship, Kishan Credit Card and Vidhwa Pension etc. He also provided fake beneficiary accounts to Agricultural Insurance Company without verification for approval of money.

Some co-accused persons are already released on bail vide order, dated 01.06.2023, passed in Bail Appln. No. 1899/2023.

Considering the length of detention as well as maintaining parity in order, this Court is of the opinion that further continuation of detention of the accused petitioner in the interest of the ongoing investigation may not be required.

Accordingly, it is provided that the accused petitioner, named above, shall be

released on bail of **Rs.1,00,000/- (Rupees One Lakh)** only with two sureties of like amount to the satisfaction of the learned **C.J.M., Morigaon** subject to the following conditions-

- i) That the accused/petitioner shall cooperate with the investigating officer as and when required;
- ii) That the accused/petitioner shall not directly or indirectly make any inducement, threat or promise to any person who is acquainted with the facts of the case so as to dissuade him from disclosing such facts to the investigating officer or to the Court;
- iii) That the accused petitioner shall refrain from committing any similar offences in future of which he is accused of commission; and
- iv) That out of the two sureties, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

Breach of any of the above conditions shall render cancellation of the bail in accordance with law.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant