

GAHC010137402023



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

Case No. : Bail Appln./2208/2023

SIMION TERANG AND ANR
S/O SRI BABU TERANG,
R/O VILL- MUMDING TERANG GAON, ANJOKPANI
DUAR SALONA, P.S. ANJOKPANI
KARBI ANGLONG.
2: MS. MOON ENGTIPI
D/O SHYAM SING ENGTI
W/O SRI ARJUN TERON
R/O VILL- DHENTA INGTI GAON
SAMAGURI
KARBI ANGLONG.
PRESENT ADDRESS- VILL- RONGIHANG 2
P.S. DIPHU
KARBI ANGLONG

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR G N SAHEWALLA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

30-06-2023

Heard Mr. G N Sahewalla, learned Senior counsel assisted by Ms. T J Sahewalla, learned counsel for the petitioners and Mr. B Sharma, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC the petitioners, namely, (i) **Mr. Simion Terang** and (ii) **Ms. Moon Engtipi**, are seeking bail in connection with **Diphu Police Station Case No. 56/2023** corresponding to G.R. No. 190/2023 registered under Sections 406/420/34 IPC, wherein they were arrested on 25.05.2023 and are in custody since then.

By order dated 21.06.2023, the relevant copy of the report of the case was called for from the concerned I.O. of said Diphu P.S. Case No. 56/2023.

However, Mr. Sharma, learned APP, Assam could not place the same as it was not furnished to him by the concerned I.O. of the case.

Perused the FIR of the case dated 24.05.2023 as well as the Forwarding Report of the petitioners dated 25.05.2023.

As per the FIR of the case, the complainant on 24.05.2023 stated that the petitioners were involved in fraudulent activities by collecting money assuring to provide job and business opportunity and that he and other persons became victim to the deceptive schemes of the petitioners and thereby they incurred huge financial loss and mental distress and in that process, an amount of Rs. 1,79,70,000/- was invested with the petitioners as they promised and guaranteed jobs and business opportunity and thereby they manipulated him. But when the complainant demanded the amount that he paid to them, it was refused and they rejected his demand to compensate for the financial loss incurred by him.

Along with his written FIR, the complainant annexed some documents, contracts and receipts as evidence of the fraudulent activities perpetrated by the petitioners. On the basis of the same, Diphu P.S. Case No. 56/2023 was registered against the petitioners under Sections 406/420/34 IPC and they were taken into custody on 25.05.2023.

After considering the contents of the FIR of said Diphu P.S. Case No. 56/2023 and also the Forwarding Report of the I.O. of the case dated 25.05.2023, the Court is of the view that further custodial detention of the petitioners are not warranted to investigate the said Diphu P.S. Case No. 56/2023. As such, this bail application of the petitioners in said Diphu P.S. Case No. 56/2023 is accepted.

Accordingly, the petitioners, namely, (i) **Mr. Simion Terang** and (ii) **Ms. Moon Engtipi**,

be released on bail in said Diphu P.S. Case No. 56/2023 on furnishing a bail bond of Rs.1,00,000/- each with 2 (two) local sureties each of the like amount, one of which shall be a Government Employee (Central and/or State of Assam) to the satisfaction of the learned Chief Judicial Magistrate, Karbi-Anglong, Diphu on conditions that the petitioners shall – (i) appear before the Investigating Officer of said Diphu P.S. Case No. 56/2023 on every Monday during the office hours from 10 AM to 1 PM commencing from 10.07.2023 for the next 10 weeks and thereafter, as and when they are required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Diphu 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) 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 them in the aforesaid Diphu P.S. Case No. 56/2023 shall stand automatically vacated.

It is made clear that failure on the part of either of the petitioners to comply with the terms and conditions as specified above and any violation of the aforesaid terms and conditions by them, namely, (i) **Mr. Simion Terang** and (ii) **Ms. Moon Engtipi**, bail granted to both of them in the aforementioned Diphu P.S. Case No. 56/2023 shall stand automatically vacated.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant