

GAHC010196852023



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

Case No. : Bail Appln./3125/2023

RAJESH CHOUDHURY AND ANR
S/O TRIBHUBAN CHOUDHURY
R/O GMC HOLDING NO. 34, ARIKATHI BASTI, M.G. ROAD, UJJANBAZAR,
P.S. LATASHIL, GUWAHATI, DIST. KAMRUP (METRO), ASSAM

2: RAHUL CHOUDHURY
S/O CHANDRIKA CHOUDHURY
R/O GMC HOLDING NO. 34
ARIKATHI BASTI
M.G. ROAD
UJJANBAZAR
P.S. LATASIL
GUWAHATI
DIST. KAMRUP (METRO)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M GARODIA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 04.10.2023

Heard Mr. M. Garodia, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, *1. Rajesh Choudhury and 2. Rahul Choudhury*, who are detained behind the bar since 19.08.2023 in connection with Geetanagar P.S. Case No. 188/2023 under Sections 120(B)/420/467/465/409 of the Indian Penal Code.

The accusation against the present petitioners, in brief, is that on 19.08.2023, one Lakhi Choudhury lodged an FIR before the Officer-in-Charge of Geetanagar Police Station, *inter alia*, alleging that the petitioner No. 1 who was known to the first informant since before, had contacted the informant and discussed with her regarding a Government scheme for poor people in bank account and as per said discussion, the first informant gave her PAN card, voter ID card and other documents to the petitioner No. 1 for opening her accounts and accordingly, a current account No. 103663400001020 was opened in the name of the first informant. It is also mentioned in the FIR that in the month of June, she came to know that closing balance of Rs.5,36,699/- has been shown in her account with opening balance of Rs.3,00,000/-. The informant has stated that she had never deposited the said amount in her bank account and, therefore, suspecting that her newly opened bank account has been used for doing illegal transactions of huge money, she lodged the said FIR. On receipt of the FIR, Geetanagar P.S. Case No. 188/2023 was registered.

The learned counsel for the petitioner has submitted that the petitioners

are not involved in any way in any kind of offence which is suspected to have been committed in the FIR. It is also stated that the present petitioner are behind bars since 19.08.2023 and considering the period of detention already undergone, they may be allowed to go on bail.

On the other hand, Learned Additional Public Prosecutor has produced the case diary of Geetanagar P.S. Case No. 188/2023 and has submitted that the statement of the present petitioners have already been recorded by the Investigating Officer and some relevant documents have also been seized in the case, however the investigation is still going on.

I have considered the submission made by learned counsel for both parties and have gone through the materials available on record including the case diary of Geetanagar P.S. Case No. 188/2023.

Considering the progress made in the investigation and considering the period of detention (47 days) undergone by the present petitioner, I am of the opinion that further custodial detention of the above named petitioners may not be necessary for fair completion of the investigation of Geetanagar P.S. Case No. 188/2023.

In view of the above, the above named petitioners are allowed to go on bail of Rs.30,000/- each with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate Kamrup(M) with the condition that the petitioners shall continue to cooperate in the investigation.

With the above observation, this bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant