

GAHC010200472023



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

Case No. : Bail Appln./3154/2023

JOYDEEP GHOSH @ RABI
S/O LATE JAYANTA GHOSH
VILL- BABUPARA,
P.O. BARPETA ROAD,
P.S. BARPETA ROAD,
DIST. BARPETA, ASSAM
PIN-781315

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 09.10.2023

Heard Mr. S. Ahmed, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/ petitioner, who has been arrested in connection with Jorhat P.S. Case No. 342/2023, under Sections 420/379 of the Indian Penal Code *read with* Sections 66(C)/66(D) of the I.T. Act.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Ahmed, that the accused/petitioner is innocent and no way connected with the alleged offence. However, it is a fact that he used to assist the arrested accused persons in opening Bank Account by filling up the forms of the applicants etc. But, apart from that, he is no way involved in the alleged offence. The other 2 (two) accused persons have already been granted with bail by the learned Court below on their production and on the same footing and on the ground of parity, the present accused/petitioner may be enlarged on bail. Further it is submitted that the accused was arrested in connection with this case on 24.08.2023 and already he is in custody for last 48 days and thus, the I.O. got ample opportunity to interrogate the present accused/petitioner keeping him in

custody and hence, further custodial interrogation may not be necessary.

In this context, the learned Additional Public Prosecutor, Mr. Gogoi, has submitted that there are sufficient incriminating materials in the Case Diary against the present accused/ petitioner and as per the materials collected by the I.O., it is seen that altogether Rs. 40,80,000/- have been misappropriated by the present accused/petitioner along with some others by collecting the ATM Cards, Bank Account Numbers and also by opening Bank Accounts. The I.O. also collected the Bank Accounts of the several bank account holders from where the details have been collected by the I.O. as to how and what amount of money have been misappropriated by the present accused/petitioner along with others. Accordingly, the learned Additional Public Prosecutor raised objection in granting bail to the present accused/petitioner.

After hearing the submissions made by the learned counsels for both sides, I have perused the case record and the note of the I.O., wherefrom it is seen that the I.O. has collected sufficient materials against the present accused/petitioner and from the materials available in the Case Diary also, it is seen that the accused has been engaged in these type of offences by misappropriating and cheating the money of the general public at large by obtaining their ATM Cards and also by collecting their bank accounts from the account holders. Accordingly, it is reported by the I.O. that further custodial interrogation of the present accused/petitioner may be necessary to unearth some more facts involved in the present case.

So, considering the nature of allegation brought against the present

accused/petitioner and also considering the amount misappropriated by the present accused/petitioner, I find that further custodial interrogation may be necessary for just and proper investigation of this case and accordingly, I do not find it a fit case to enlarge the accused to go on bail only considering the length of detention and therefore the same stands rejected.

The bail application stands disposed of in terms above.

JUDGE

Comparing Assistant