

GAHC010232472023



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

Case No. : Bail Appln./3675/2023

APARNA AND 11 ORS
D/O ANJANI KUMAR R/O 26 SERVANT QUARTER AKBAR ROAD NIRMAN
BHAWAN P.S TUGLAK ROAD CENTRAL DELHI DELHI 110011

2: SHIVAM
R/O HOUSE NO. E 73/A 444 SANJAY COLONY GOKAL PURI NORTH EAST
DELHI DIST. SADRA DELHI 110094

3: PANKAJ GANDHI
S/O RAVI GANDHI R/O 26/158A SULTAN GANJ BELAN GANJ ABRAHAM P.S.
HARI PARBAT DIST. AGRA UTTAR PRADESH PIN 282004

4: SOHIL AHMED
S/O SALIM PATHAR R/O 466 A NEAR KALA PATHAR NYAY KHAND 2
INDRAPURNAM I E SAHIBABAD GHAZIABAD P.S KALA PATHAR UTTAR
PRADESH PIN 201010

5: AJAZ SALMANI @ EJAZ ALI
S/O ABDUL GAFFAR R/O A 125 BLOCK A LAL KUAN MEHRAULI P.S PUL
PAHLADPUR DIST. MEHARULI DELHI 110016

6: SAJAL KUMAR @ SAJAL
S/O PREM KUMAR R/O HOUSE NO. 4192 GALI NO. 11 AJEET NAGAR
GANDHI NAGAR P.S GANDHI NAGAR EAST DELHI DIST. SILAMPUR DELHI
110031

7: PRADIP KUMAR @ PRADEEP RAJBHAR
S/O SHRI SATILAL RAJBHAR R/O A 772 OLD A BLOCK NEAR MATKE WALI
GALI SHAHBAD DAIRY SAHIBABAD DAULTPUR P.S PRAHLADPUR NORTH
WEST DELHI DELHI 110042

8: SHABIR ALI
S/O MD SULTAN R/O JHARMATOLA WARD NO 20 KHORABAR URF SOBA
BAZAR KUMRAGHAT P.S. SHAHAPUR DIST. GORAKHPUR UTTAR

PRADESH PIN 273008

9: SARTHAK

S/O SANJAY KUMAR R/O A 772 OLD A BLOCK SHAHABAD DAIRY
PANSALI NORTH WEST DELHI P.O .JAHANGIRPUR P.S PRAHLADPUR
DELHI 110042

10: FIROJ MALI @ FIOJ

S/O MOHAMMAD RAFI R/O HOUSE NO 24 FIALLI NO. 1 NEAR ANAR
MASJID P. O AND P.S GOKALPUR NEW DELHI 110094

11: NEERAJ

S/O SHRI SATILAL R/O A 772 PUCCA SHHBAD DAIRY SAHIBABAD
DAULATPUR P.S. PRAHLADPUR NORTH WEST DELHI 110042

12: SANJAY SINGH ROY

S/O SUJOY SINGHA ROY R/O K2 862 D NEAR VEER BAZAR SANGAM
VIHAR DEOLI P.S. SANGAM VIHAR SOUTH DELHI PIN 11006

VERSUS

THE STATE OF ASSAM

REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 19.10.2023

Heard Mr. P.D. Nair, learned counsel for the petitioners. Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State/respondent.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **(i) Ms. Aparna (ii) Shivam (iii) Pankaj Gandhi (iv) Md. Sohil Ahmed (v) Ajaz Salmani @ Ejaz Ali (vi) Sajal Kumar @**

Sajal (vii) Pradip Kumar @ Pradeep Rajbhar (viii) Md. Shabir Ali (ix) Sarthak (x) Md. Firoj Malik @ Firoj (xi) Neeraj (xii) Sanjay Singh Roy, in connection with **Basistha P.S. Case No. 593/2023**, registered under **Section 120(B)/419/420/385/468/471 IPC r/w Section 66 D of the I.T. Act, 2000.**

3. It is submitted by the learned counsel for the petitioners that the petitioner Nos. 1, 3, 6 and 8 are the holiday consultant, petitioner Nos. 2 and 4 are consultant, petitioner No. 5 is senior consultant, petitioner Nos. 7 and 9 are O.P.C, petitioner No. 10 is the manager, petitioner No. 11 is marketing manager and petitioner No. 12 is take over manager sales of Ritz Carlton Hotel and Resorts Pvt. Ltd. under the Ministry of Corporate Affairs, Government of India.

4. The FIR has been lodged on 27.09.2023 before the O/C, Basistha Police Station alleging *inter allia* that the informant had received a phone call from a number 9891004345/9289131900 stating that the caller is from Ritz Carlton Hotels & Resorts and told that the informant had won a complementary luxury gift card and had invited him to collect it from Greenwood Hotel, Guwahati. The informant had initially refused to go but several calls and blackmailing messages were sent, whereupon he and his friend decided to go to the hotel and meet them. When the informant and his friends reached the hotel, they found 7/8 persons sitting in the lounge and they approached them with some papers and asked them to sign the papers and pay Rs.3,000/- as prepaid administration fees but the informant refused to pay the same. When they insisted to pay only taxes, on suspicion, the informant called the police whereupon they were taken to the police station.

5. It is further submitted by the learned counsel for the petitioners that the petitioners and some other employees of the company were arrested in

connection with the said case purely on suspicion, fraud and trapping innocent people for wrongful gain. It is also stated that the petitioners came to Guwahti to promote their company and market its hotel packages. The said company provides packages for holiday destinations in the places like Rishikesh, Shimla, Haridwar, Goa etc. It books hotel accommodation for its customers for which it takes fee and in order to promote the company, it offers vouchers entitling the prospective customers, for which an administration fee of Rs.3,000/- is to be charged which is clearly mentioned in the vouchers.

6. It is further submitted that though the petitioners along with other employee requested the informant to pay Rs.3,000/- for administration fee but they refused to pay. It has also pointed out that the FIR lodged on mere suspicion of fraud. It is also stated that the petitioners were arrested on 28.09.2023 and since then they have been languishing in jail hazot. Considering the background of the case, bail may be considered to the petitioner.

7. In response, Mr. Das, learned Additional Public Prosecutor for the State has submitted that from the case diary, it reveals that the petitioners along with other employee of the said hotel, have collected money from the people in the name of holiday packages, hotel accommodation and other facilities but they did not provided the same. At this stage of investigation, bail may not be considered.

8. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

9. The allegation against the present petitioners is that when the petitioner and other employee of the said hotel approached before the informant to pay Rs.3,000/-, he refused to pay the same. Subsequently, they asked him to pay some more money for the purpose of taxes. Though some

allegations were made in the case that in the name of Ritz Carlton Hotel and Resorts Pvt. Ltd., some people have collected money to provide holiday packages, hotel accommodation and other facilities but which are not connected with the present case as alleged in the FIR.

10. Considering the materials found in the case diary, this Court is of the view that further custodial detention of the accused-petitioners is not necessary in the interest of investigation of the case.

11. Accordingly, the petitioners, named above, shall be released on bail in connection with **Basistha P.S. Case No. 593/2023**, registered under **Section 120(B)/419/420/385/468/471 IPC r/w Section 66 D of the I.T. Act, 2000**, on furnishing bail bond of **Rs.30,000/- each** with **two suitable sureties each** of the like amount out of which one of the sureties should be a Government employee to the satisfaction of learned CJM, Kamrup(M), Guwahati, Assam.

12. The direction for bail is further subject to the conditions that the petitioners:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Guwahati, Assam without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 him from disclosing such facts to the Court or to any police officer; and

(d) shall appear before the Investigating Police Officer once in a week for six weeks after their release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

13. That being so, if the petitioners violate any of the above condition(s) in future, the learned Public Prosecutor shall apprise this Court to cancel the bail order.

14. The bail application stands disposed of accordingly.

15. Return the case diary.

JUDGE

Comparing Assistant