

GAHC010232482023



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

Case No. : Bail Appln./3672/2023

PRAHLAD KUMAR SINGH AND 3 ORS.
S/O BIRENDRA SINGH R/O SARDIHA P.S SINGIR BHAKTIARPUR DIST.
SAHARSA BIHAR 852127

2: SHAHBAZ ALAM
S/O MD. SOAEB ANSARI R/O C2 3RD FLOOR RAZA MAZIL ROAD NO. 1
SOUTH OF CHURCH RESALDAR NAGAR DORANDA P.O. AND P.S RANCHI
DIST. RANCHI JHARKHAND PIN 834002

3: MARVIN MASSEY
S/O ANIL MASSEY R/O HOUSE NO. 17 NEAR POLICE STATION P.S
SURAJKUND LAKKARPUR SURAJKUND FARIDABAD HARYANA PI 121009

4: CHANDAN SINGH
S/O LT. DHARMAPAL SINGH R/O HOUSE NO. A 1 84 A CHANAKYA PLACE
PART 1 UTTAM NAGAR WEST DELHI DELHI 11005

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) Prahlad Kumar Singh (ii) Md. Shahbaz Alam (iii) Morvin Massey and (iv) Chandan Singh**, 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 No. 1 is the Director of Ritz Carlton Hotel and Resorts Pvt. Ltd. under the Ministry of Corporate Affairs, Government of India. The petitioner Nos. 2, 3 and 4 are the managers of the said company.

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 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 petitioners.

7. In response, Mr. Das, learned Additional Public Prosecutor for the State has submitted that from the case diary, it reveals that the petitioners have collected money from the people in the name of holiday packages, hotel accommodation and other facilities but they did not prove 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

petitioners 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