GAHC010236192023

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

Case No. : Bail Appln./3761/2023

SHEKHAR CHAND SHARMA @ SEKHAR SHARMA
S/O MAHESH CHAND R/O HOUSE NO. C-121 MALIK PROPERTY BUDH VIHAAR P.S. RITHALA STATE NEW DELHI PIN 110086

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. S MUNIR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 08.11.2023

Heard Mr. A.K. Bhuyan, learned counsel for the petitioner. Also heard Mr. M. Phukan, learned Public Prosecutor for the State.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Shekhar Chand Sharma @ Sekhar**

Sharma, in connection with **Cyber P.S. FIR No. 08/2023,** registered under Section **120B/419/420/385/467/471/468/507 IPC r/w Section 65/66/66B/66C/66D of IT Act 2000.**

3. It has been submitted by the learned counsel for the accused-petitioner that the petitioner had not committed any offence as alleged in the FIR. It is also submitted that the petitioner was arrested only on suspicion without having any evidence against him. It is further submitted that the accused-petitioner has been detained in custody since 15.09.2023, i.e. 54 days. Nothing was seized by police in connection with alleged case. Learned counsel has pointed out that no any victim has made any whisper that they have been cheated by the alleged accused/petitioner. FIR was lodged by one Inspector, Crime Branch, Guwahati.

4. It is also the submission of learned counsel for the petitioner that except the offence under Section 467 IPC, the mandatory period of other alleged offences are 60 days. Section 467 IPC is not attracted here in this case as because there is no allegation against the petitioner that he forged any document which purports to be a valuable security/will etc. In fact, police has failed to seize any article/document during investigation.

5. It is also submitted that the petitioner came to Guwahati on 31.08.2023 to join as trainee who had no knowledge about the alleged scam, if any. Considering the nature of offence as well as length of detention, petitioner may be enlarged on bail.

6. In response, Mr. Phukan, learned Public Prosecutor for the State has opposed in grating bail to the accused/petitioner. It is submitted that the crime has been committed in an organized manner and the investigation is still going on, so that the prayer of the accused/petitioner may not be considered at this

stage.

7. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary along with other relevant documents available thereon.

8. Considering the materials found in the case diary as well as the length of detention of the accused-petitioner in custody, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

9. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Cyber P.S. FIR No. 08/2023,** registered under Section **120B/419/420/385/467/471/468/507 IPC r/w Section 65/66/66B/66C/66D of IT Act 2000**, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** 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.

10. The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Guwahati, 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.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating

Police Officer till the investigation of the case is completed.

11. In terms of the above, this bail application stands disposed of.
12. Send back the case diary.

JUDGE

Comparing Assistant