

GAHC010238572023



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

Case No. : Bail Appln./3853/2023

ANIKET PRASAD
S/O- RAM BABU PRASAD R/O- HILLCART ROAD, GHOOM, JORE
BUNGLOW, DARJEELING. PS- JORE BANGLOW DIST- DARJEELING, WEST
BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P, ASSAM.

Advocate for the Petitioner : MR. J R GIRI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 02.11.2023

Heard Mr. S.Munir, learned counsel for the petitioner and Ms. A Begum, learned Addl. Public Prosecutor for the State respondent.

This bail application under Section 439 of the Code of Criminal Procedure, 1973, has been filed by the petitioner, namely, **Aniket Prasad** who has been detained behind the bar since arrested on 28.09.2023 (35 days) in connection with **Basistha PS Case No.**

593/2023 under Sections 120B/419/420/385/468/471 of the IPC R/W Section 66-D of the Information Technology Act.

The gist of the accusation in this case is that one Dr.Shamme Aktar lodged an FIR on 27.09.2023 before the Officer-In-Charge of Basistha Police Station, alleging *inter-alia*, that the he had received a call from a number i.e. 9891004354/9289131900 giving certain offers and that the informant has won a complimentary luxury gift cards from the Greenwood Hotel, Guwahati. It is further stated in the FIR that when the informant went to the said hotel, they were asked to pay Rs.3000/- per head as administration fees, which the informant refused to pay. It is further stated in the FIR that the informant strongly suspected that persons making call to the informants were running online business for wrongful gains.

The learned counsel for the petitioner has submitted that the present petitioner is a computer operator in Carlton Hotel and Restaurant and he is no way involved in the alleged offence as stated in the FIR. It is also submitted by learned counsel for the petitioner that in the meanwhile, out of 19 accused persons who were arrested in connection with the aforesaid case, 17 accused persons were already granted bail by a co-ordinate Bench of this Court. The learned counsel for the petitioner has produced three bail orders vide order, dated 19.10.2023 in Bail Application/3672/2023, Bail Application/3635/2023 and Bail Application / 3675 /2023 passed by a co-ordinate Bench.

The learned Additional Public Prosecutor has submitted that there are materials in the case diary and on that ground she opposes the bail prayer of the present petitioner.

I have considered the submissions made by the learned counsel for the petitioner as well as the learned Addl.Public Prosecutor. Also perused the case diary of Basistha P.S. Case No. 593/2023.

Considering the progress in investigation as well as considering the period of detention already undergone by the present petitioner (35 days) as well as the considering the fact that 17 co-accused persons have already been released on bail by a co-ordinate bench of this Court, this Court is of the considered opinion that further custodial detention of the present petitioner may not be necessary for fair completion of investigation in Basistha P.S. Case No.

593/2023, if the petitioner co-operate with the Investigating officer.

In view of above, the petitioner, Aniket Prasad , shall be released on bail in connection with the above noted case on furnishing bail bond of **Rs.30,000/-** with one surety of like amount to the satisfaction of the learned **CJM, Kamrup(M) at Guwahati**, subject, of course, to the following condition:

- (i) That the petitioner shall co-operate with the investigation as when required.

With the above direction, the bail application is disposed of.

Send back the case dairy.

JUDGE

Comparing Assistant