

GAHC010236192023



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

Case No. : Bail Appln./4012/2023

PUNEET SHARMA AND 14 ORS.
S/O RAJESH KUMAR SHARMA
R/O HOUSE NO. B/40
JAWAHAR PARK
KHANPUR
P.S. MALBIYA NAGAR
DIST. NEW DELHI.

2: SAHIL ANSARI @ AHMED
S/O NISHAR AHMED
R/O EAST DELHI
P.S. SHAHDARA
STATE- DELHI.

3: ROHIL KUMAR
S/O SRI PREM KUMAR ARORA
R/O HOUSE NO. 109/ATAM NAGAR
P.S. ATAM NAGAR

DIST. LUDHLANA (PUNJAB)

4: PRATHAM BERI @ VICTOR BERI
S/O VANEET BERI
R/O HOUSE NO. 410/D
KITCHLU NAGAR

LUDHIANA
P.S. MODEL TOWN
STATE- PUNJAB

5: DURGESH YADAV
S/O LATE NANDAN YADAV
R/O HOUSE NO. B-13

RAJIV NAGAR
EXTENSION
P.S. BEGUMPUR
DIST. ROHINI STATE- NEW DELHI.

6: ASHISH AGARWALA
S/O LATE MAESH CHAND AGARWAL
R/O MORI CHAR BAGH
P.S. MATHURA GATE

DIST. JAIPUR
STATE- RAJASTHAN

7: MANOJ KUMAR
S/O SRI CHINTAMANI SHARMA
R/O HOUSE NO. E2/60
TEKHAND GAON OKHLA FACE-1

P.S. OKHLA (NEW DELHI)

8: JITENDRA JOSHI
S/O GAURI SHANKAR JOSHI
R/O PLOT NO. 25

LANE NO. 14

KASHMIRI COLONY
P.S. NAZAFGARH (NEW DELHI)

9: SUMIT KUMAR
S/O SATYA PRAKASH
R/O HOUSE NO. A2/939

SARITA VIHAR
P.S. DARESI
STATE- PUNJAB

10: SIDDHU YADAV
S/O PARASHNATH YADAV
R/O NEW COLONY

P.S. DEWARIA

STATE- UTTAR PRADESH
PIN-274001

11: NAVPREET SINGH

S/O BHUPINDER SINGH
R/O BASTI JDHWLA
RAHU ROAD

P.S. MAHERBAN STATE- PUNJAB
PIN-141007

12: ARUN CHAND
S/O BHUBAN CHAND
R/O TANAKPUR P.S. BANBASA
STATE- UTTAR PRADESH

13: HARMOJIT KUMAR
S/O TARSEM LAL
R/O HOUSE NO. 141

VISHKARMA MANDIR
P.S. VISHKARMA CHOWK
STATE- PUNJAB

14: RAJ KUMAR
S/O BALKRISHAN
R/O HOUSE NO. 53 C

MODEL TOWN

P.S. MODEL TOWN
STATE- PUNJAB

15: GAUTAM CHETRY @ MAMA
S/O NANI BAHADUR CHETRY
R/O WARD NO. 03
SHILLONG ROAD
ISLAM BASTI

P.S.LANKD
STATE- ASSAM
PIN-782446
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 petitioners. 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-petitioners, namely, **(i) Puneet Sharma (ii) Sahil Ansari @ Ahmed (iii) Rohil Kumar (iv) Pratham Beri @ Victor Beri (v) Durgesh Yadav (vi) Ashish Agarwala (vii) Manoj Kumar (viii) Jitendra Joshi (ix) Sumit Kumar (x) Siddhu Yadav (xi) Navpreet Singh (xii) Arun Chand (xiii) Harmojit Kumar (xiv) Raj Kumar (xv) Gautam Chetry @ Mama**, 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-petitioners that the petitioners had not committed any offence as alleged in the FIR. It is also submitted that the petitioners were arrested only on suspicion without having any evidence against them. It is further submitted that the accused-petitioners have 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/petitioners. FIR was lodged by one Inspector, Crime Branch, Guwahati.

4. It is also the submission of learned counsel for the petitioners 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 petitioners that they 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 petitioners came to Guwahati to join as a trainee who had no knowledge about the alleged scam, if any. Considering the nature of offence as well as length of detention, petitioners may be enlarged on bail.

6. In response, Mr. Phukan, learned Public Prosecutor for the State has opposed in granting bail to the accused/petitioners. 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/petitioners 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-petitioners in custody, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary in the interest of investigation of the case.

9. Accordingly, the accused-petitioners, 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/- 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.

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

(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 their 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