

GAHC010253132023



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

Case No. : AB/3799/2023

PARTHA JEET PATHAK
S/O ANIRUDHA PATHAK
R/O VILL- THAKURBARI ROAD,
WARD NO. 4,
HOWLY TOWN,
DIST. BARPETA, ASSAM
PIN-781316

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A KAKOTI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30-11-2023

1. Heard Mr. A. Kakoti, learned counsel for the petitioner Partha Jeet Pathak.

2. The petitioner has filed this application under Section 438 Cr.P.C. with prayer of pre-arrest bail as he is apprehending arrest in connection with Cyber Police Station Case No. 08/2023 under Sections 120(B)/419/420/385/467/471/468/507 IPC read with Section 65/66/66B/66D IT Act, 2000.
3. Heard Mr. B. Sharma, learned Addl. P.P., Assam.
4. The petitioner has prayed for bail on the grounds of parity. It is submitted that the petitioner is aged about 23 years and a businessman by profession and he is the sole bread winner of the family. The petitioner has neither been named in the FIR nor arrested till date in connection with the aforementioned case. He is in no way connected with the case and the only allegation against him is that he is the friend of the FIR named accused Sayed Tasdique Alam. It is submitted that the petitioner was not privy to the profession of the accused named in the FIR.
5. The learned Addl. P.P. has raised serious objection stating that there are cogent materials in the Case Diary against the petitioner. The role of the petitioner as mentioned by the statements of the witnesses does not entitle him to bail. The offence allegedly committed by the petitioner involves scamming individuals not only within the country but individuals from foreign shores and huge amount of money has been siphoned out by hacking the accounts of individuals. The individuals were duped and cheated to part with the money. Their account had been hacked and manipulated digitally.
6. The FIR unfolds that from a reliable source, the Crime Branch, Guwahati learnt that a gang had been operating fake Call Centres in and around the city cheating gullible Indian and Foreign nationals by impersonating as Tech Support Staff by originating 'tech support' pop-ups and by impersonating as legitimate customer service representatives to deceive individuals and cheat them by procuring money or personal information and by making various false claims to create a sense of urgency or fear by claiming that the bank account has been compromised, computer has a virus, personal Identifiable Information are at risk and computer or social media account has been hacked.
7. I have considered the submissions at the Bar with circumspection. I have perused the Case Diary. Indeed there are cogent materials in the Case Diary. I have considered the submission that investigation may be adversely affected if the petitioner is insulated by an order of anticipatory bail. It is apparent that the crime has been allegedly committed through software. From a remote location such an offence can be easily committed. At this juncture there appears to be no justified ground to extent the privilege of anticipatory bail to the petitioner.
8. Petition stands rejected at this stage.

9. Send back the Case Diary.

JUDGE

Comparing Assistant