

GAHC010255882022



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

Case No. : AB/3691/2022

DR BOBBY GOSWAMI BARUAH
W/O SRI DHANANJOY BARUAH
R/O FLAT NO. G4, LUV KUSH APARTMENT, ZOO ROAD,
GUWAHATI-781024
KAMRUP (METRO), ASSAM
PRESENTLY RESIDING AT
SIMONDO 3.O, D BLOCK, FLAT 1401, NEOTOWN ROAD, BOMMASANDRA,
ELECTRONIC CITY, PHASE- 1 BANGALORE- 560099, KAMATAKA, INDIA.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B K MAHAJAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 25-01-2023

Heard Mr. T. R. Sarma, learned counsel for the applicant. Also heard Mr. P. S. Lahkar, learned Additional Public Prosecutor representing the State respondent.

2. This application is filed under Section 438 of the Criminal Procedure Code, 1973, praying for pre-arrest bail by the applicant in connection with Bhagagarh Police Station Case No.342/2022, under Section 420 and 406 of Indian Penal Code.

3. Case Diary has been received and I have perused the same.

4. A brief fact of the case is reflected below:-

"The accused applicant is a career consultant and owner-cum-Director of "Dumick Educational Consultancy (OPC) Pvt. Ltd." having its registered office at Guwahati. The applicant has experience in providing right career guidance to the students of different field based on their interest and potential.

Dr. Jodunath Buragohain approached the applicant for providing necessary counseling and guidance to his daughter Smti. Sraddha Buragohai, who had appeared in the NEET examination for opting MBBS course and were she, obtained all India Ranking 810756 in NEET examination, and accordingly, she tried to get admission against the management quota in DY Patil Medical College, Pune.

She has received the total amount of Rs.14,50,000/-(Rupees fourteen lakhs fifty thousand) only from Dr. Jodunath Buragohain to get admission of his daughter in DY Patil Medical College, Pune. Out of Rs.14,50,000/-(Rupees fourteen lakhs fifty thousand), she already deposited the amount of Rs.12,00,000/-(Rupees Twelve lakhs) in the account of prime broker Shri Suraj Kumar Suman. Further it is stated that in the same context another FIR has been lodged by the husband of the informant before the Pimpri Police Station, Pune, against the prime broker Shri Suraj Kumar Suman. This application is supported with some photo-copy of the bank documents along with some other documents of the said institution, Pune.”

5. Mr. T. R. Sharma, learned counsel for the applicant has submitted that as per order dated 15.12.2022, the accused/applicant has appeared before the IO and submitted her statement under Section 161 Cr.P.C. as well as furnished other relevant documents before the IO and also co-operated during the investigation of this case. Further, the accused/applicant prays for extending the privilege of pre-arrest bail, and if the same is granted, she is ready to co-operate with the investigation of this case.

6. In this context, Mr. P. S. Lahkar, learned Additional Public Prosecutor submits that the applicant has already appeared before the IO and her statement has already been recorded under Section 161 of the Cr.P.C. However, it is also seen that she has violated the third terms and conditions of the bail prayer as per order dated 15.12.2022. Thus, it is seen that the present applicant is violating the terms and conditions of the bail and she is not co-operating with the investigation of this case.

7. In this regard, the learned counsel for the applicant has submitted that

she had obtained due permission from the learned Chief Judicial Magistrate, Kamrup(M), Assam, vide order dated 06.01.2023 and a copy of the same is placed before this Court. The applicant has stated her reason of absentee for investigation is that for the sake of her husband's service and for her children's, she had to leave for Bangalore. Further, the applicant also agreed to abide all the terms and conditions of the bail as imposed upon her and she is ready to co-operate with further investigation of this case.

8. After hearing the submissions made by the learned counsels of both sides and also considering the entire materials available on record as well as the conduct of the accused/applicant, I find it appropriate to extend the privilege of pre-arrest bail to the applicant, namely Dr. Bobby Goswami Baruah. Thus, the order passed by this Court dated 15.12.2022, in connection with Bhagagarh Police Station Case No.342/2022, under Section 420 and 406 of Indian Penal Code, is hereby made absolute with the same terms and conditions.

9. In terms of above, this Anticipatory Bail application stands disposed of.

10. The Case Diary be sent back.

JUDGE

Comparing Assistant