

GAHC010256652023



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

Case No. : Bail Appln./4164/2023

RAJEN SIDANA @ RAJAN SIDHANA @ RANJAN SIDHANA @ RANJAN
S/O SURESH SIDANA,
R/O HOUSE NO. 1674, PHASE 1, DUGRI, P.S.- DUGRI, PIN- 143526,
LUDHIANA, PUNJAB.

VERSUS

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

Advocate for the Petitioner : MR. A K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20.11.2023

Heard Mr. A. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Rajen Sidana @ Rajan Sidhana @ Ranjan Sidhana @ Ranjan, who has been detained behind the bar since 31.10.2023 in connection with Chandmari P. S. Case No. 353/2023 under section 306 of the IPC.

The gist of the accusation in this case is that on 24.9.2023, one Shipra Sarkar, SI of Police lodged an FIR before the Officer-in-charge of Chandmari Police Station, inter-alia, alleging that one committed Suicide on 16.09.2023 at about 5.10 PM by jumping from the flat which was situated at the 6th floor of an apartment known as Subansiri Apartment which belongs to one Mahendra Chand.

It is also stated that in the FIR that the said Tangchi K. Sangma was employed in Medicare Call Centre as a service representative and said call center was involved in a cybercrime in Cyber P. S. Case No. 08/2023 under Section 120B/419/420/385/467/471/468/507, of the IPC read with Section 65/66/66B/66C and 66D of the Information Technology Act, 2000.

It is also alleged in the FIR that the deceased was working in the said Medicare Call Centre at the instigation of the present petitioner and another co-accused named in the FIR in order to make more profit and thinking that the work she has been engaged in is legal. However, when the deceased came to know about the arrest of the present petitioner in a cyber-fraud case, she apprehended that she may also be arrested in the said case and also apprehended that her reputation would be lost and hence, she committed suicide.

Learned counsel for the petitioner submits that there is no allegation of

aid or instigation on the part of the present petitioner in the FIR. It is further submitted by the learned counsel for the petitioner that the deceased Tangchi K. Sangma committed suicide on 16.09.2023 at about 5.10 PM whereas the present petitioner was detained behind the bar in connection with Cyber P. S. Case No. 08/2023 at that time, he was arrested in the said case on 15.09.2023 at about 7.30 PM.

It is also submitted by the learned counsel for the petitioner that though the present FIR has been lodged by a police officer however, the fact of the detention of the present petitioner in connection with the Cyber P. S. Case No. 08/2023 when the offence alleged in the FIR was committed has not been mentioned in the FIR in violation of the guidelines of the Hon'ble Apex Court in ***“Uday Chand and Others Vs. Sheikh Abdullah, Chief Minister of J & K and Another”*** reported in ***1983 (2) SCC 417***.

It is further submitted by the learned counsel for the petitioner that the petitioner is ready to co-operate in the investigation if he is released on bail. On the other hand, learned Additional Public Prosecutor has produced the case diary of Chandmari P. S. Case No. 353/2023 and has submitted that the petitioner had engaged the deceased to work in the Medicare Call Centre and which was involved in Cyber scam without the knowledge of the said deceased. It is further submitted by learned Additional Public Prosecutor that the investigation of the case is at initial stage and the petitioner has been detained behind the bar only for last 21 days and on that ground he has opposed the grant of bail to the present petitioner.

I have considered the submissions made by learned counsel for both the sides and have gone through the materials placed before this Court including the case diary of Chandmari P. S. Case No. 353/2023.

On perusal of the case diary, it appears that on the day when the deceased Tangchi K. Sangma had committed suicide, the present petitioner was detained behind the bar in connection with Cyber P. S. Case No. 08/2023.

It also appears from the record that apart from the allegations made in the FIR and suspicion that the petitioner might have abetted and aided in commission of suicide by the deceased, there is no material on record at this stage of investigation to suggest that there was any aid or instigation by the present petitioner in commission of the suicide by the deceased Tangchi K. Sangma.

In view of the above, further custodial detention of the present petitioner is not justified for sake of investigation in this case regarding the allegations levelled against the present petitioner in the FIR lodged by the SI Shipra Sarkar. Therefore, the present petitioner, namely, Rajen Sidana @ Rajan Sidhana @ Ranjan Sidhana @ Ranjan, is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with the following conditions:

- i. That the petitioner shall co-operate in the investigation and shall appear before the Investigating Officer as and when so required for the sake of fair completion of the investigation.
- ii. That the petitioner 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 such person from disclosing such facts of the case before the Investigating Officer.

With the above observation, this instant bail application is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant