

GAHC010259332023



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

Case No. : AB/3920/2023

KANGUJAM ANJALI DEVI
D/O KANGUJAM JOYKUMAR SINGH, R/O VILL- KALINAGAR, JIRIBAM
MUNICIPAL COUNCIL, JIRIBAM, IMPHAL EAST, MANIPUR, PIN-795116.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

06.12.2023

Heard Mr. L.R. Mazumder, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with the **Dibrugarh P.S. Case No. 171/2023**, under Sections 419/420/406 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Kangujam Anjali Devi** for grant of pre-arrest bail.

3. It is to be noted here that the said case has been registered on the

basis of one F.I.R., lodged by one Dharitree Hazarika, on 24.03.2023. The essence of allegations made in the FIR is that one person from London, who introduced himself as Dr. Jhemes Porter, sent one parcel to her of UK Fast Courier Delivery Service as a gift. Thereafter, she has received one call from 9810352593 and the caller informed her that some amount of money is being sent in the parcel and asked her to pay Rs. 85,000/- for the Anti Money Laundering Certificate and while she refused to accept the aforesaid amount, then her friend requested her to receive the same and thereafter, she made a payment of Rs. 35,000/- charge of courier and another amount of Rs. 85,000/- being the charge of the certificate. Thereafter, she neither received the certificate nor she gets the return of payment, which she had made.

4. Mr. Mazumder, learned counsel for the applicant submits that the applicant is no way involved with the offence alleged in the FIR and she had given her mobile number and KYC to one of her friend and she is not aware if her friend had commits some mischief and that she is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. Sarma, learned Additional Public Prosecutor submits that the materials collected so far in the case diary shows the complicity of the accused with the offence alleged in the FIR and her custodial interrogation is necessary to unearth the link and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court with the assistance of learned Additional Public Prosecutor.

7. The case diary indicates that the present applicant has contracted the complainant of this case, over her phone, and the IO has collected her phone number, G-Pay number and Bank Account number. Further, it appears that the investigation is still going on and enlarging the applicant on pre-arrest bail at this stage, will misdirect the investigation.

8. Accordingly, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant