

GAHC010264112023



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

Case No. : Bail Appln./4271/2023

RAJAN SIDANA @ RANJAN SIDANA @ RANJAN AND 15 ORS
S/O. SRI. SURESH SIDANA,
R/O. HOUSE NO. 1674,
PHASE 1, DUGRI,
P.S- DUGRI, DIST. LUDHIANA, PUNJAB.

2: DIVYAM ARORA
S/O. LT. BALDEV ARORA

R/O. G/23
99-100

SECTOR-7 ROHINI
NEW DELHI

P.S ROHINI
NEW DELHI
PIN-110085.

3: MAHENDRA CHAND
S/O. SHER BAHADUR CHAND

R/O. H/O VILLAGE NO. 4

MAHENDRA NAGAR
NEAR NINGLASAINI MANDHIR

P.S. MAHENDRA NAGAR
DIST. KANCHANPUR
PRESENT ADDRESS- C/O. DR. TRILOHAN BARUA
CPB RAOD
H/NO. 6 B LANE 6
PUB- SARANIA
PS. CHANDMARI

GUWAHATI
ASSAM.

4: TUSHAR KUMAR
S/O. SRI. KISHORE KUMAR
R/O. H. NO. RZB-116
GALI NO. 7
RAJNAGAR-I
PALAM COLONY
P.O. MANGLAPURI

5: SHEKHAR CHAND SARMA@ SEKHAR
S/O. MAHESH CHAND
R/O. H/NO. C-121

MALIK PROPERTY BUDH VIHAR

NEW DELHI
PIN-110086.

6: JAGDEEP SINGH
S/O. BHUPINDER SINGH

R/O. H/NO. 4521
STREET NO. 11

NEW JANATA NAGAR
SHIMLAPURI

P.S. SHIMLAPURI
MARADO COLONEY

STATE- PUNJAB
PIN-141003

7: SIDDHU YADAV
S/O. PARASHNATH YADAV

R/O. NEW COLONEY
P.S. DEWARIA
STATE- UTTER PRADESH
PIN- 274001.

8: GAUTAM CHETRY @ MAMA
S/O. NANI BAHADHUR CHETRY

R/O. WARD NO. 3
SHILLONG ROAD

ISLAM BASTI
P.S- LANKA

STATE- ASSAM
PIN. 782446.

9: AKASH SHARMA
S/O. SANJAY SHARMA
R/O. H/NO. A-175

PATEL NAGAR
WEST DELHI

P.S- SHADIPUR
DELHI.

10: DURGESH YADAV
S/O. LT. NANDAN YADAV

R/O. H/NO. B-13
RAJIV NAGAR

EXTENSION
P.S- BEGUMPUR
DIST. ROHINI
DELHI.

11: ASHISH AGARWALA
S/O. LT. MAHESH CHAND AGARWAL

R/O. MORICHORE BAGH

P.S. MATHURA GATE

DIST. JAIPUR
RAJASTHAN.

12: PUNEET SHARMA
S/O. RAJESH KUMAR SHARMA

R/O. H/NO. B140
JAWAHAR PARK

KHANPUR
P.S- MALBIYA NAGAR

DIST- NEW DELHI

STATE - DELHI.

13: MANOJ KUMAR
S/O. SRI. CHINTAMONI SHARMA

R/O. H/NO. E2/60
TEKHAND GAON

OKHLA FACE 1
P.S- OKHLA
DIST. NEW DELHI
STATE- DELHI.

14: ROHIL KUMAR
S/O. SRI. PREM KUMAR ARORA

R/O. H/NO. 109/ATAM NAGAR

FACE 1
P.S. ATAM NAGAR

DIST- LUDHIANA
STATE- PUNJAB.

15: SRI. JITENDRA JOSHI
S/O. SRI. GAURI SHANKAR JOSHI

R/O. PLOT NO. 25
LANE NO. 14

KASHMIRI COLONEY
PS- NAZAFGARH
DIST. NEW DELHI
STATE- DELHI.

16: RAHUL PASWAN
S/O. SRI. RAM PAWAN

R/O. HOUSE NO. 181
PEHLON ROAD
VILL. GUJAWAR
TESHIL-LUDHUANA

P.S- JODHAN
DIST LUDHIANA

STATE- PUNJAB

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR K HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 28-11-2023

- 1.** Heard Mr. A.K. Bhuyan, learned counsel for the petitioners.
- 2.** The petitioners, namely, [1] Rajan Sidana @ Ranjan Sidana @ Ranjan [2] Divyam Arora [3] Mahendra Chand [4] Tushar Kumar [5] Shekhar Chand Sarma @ Sekhar [6] Jagdeep Singh [7] Siddhu Yadav [8] Gautam Chetry @ Mama [9] Akash Sharma [10] Durgesh Yadav [11] Ashish Agarwala [12] Puneet Sharma [13] Manoj Kumar [14] Rohil Kumar [15] Sri Jitendra Joshi and [16] Rahul Paswan have filed this application under Section 439 Cr.PC with prayer for bail in connection with Dispur P.S. FIR No. 2126/2023 under Sections 120B/419/420/385/467/471/468/507 IPC read with Sections 65/66/66B/66C/66D of IT Act, 2000.
- 3.** It is submitted that the petitioners have been languishing in the jail since 09.11.2023 on the basis of the subsequent FIR which was registered on 07.11.2023 and the earlier similar FIR was registered on 14.09.2023 by Jyotirmoy Dutta of Crime Branch, Guwahati, Office of the Deputy Commissioner of Police (Crime). The relevant portion of the FIR lodged on 14.09.2023 is quoted herein below:-

“ I have the honour to inform you that with reference to the above GDE, a reliable source information was received that some Scammer gangs are operational in Guwahati, Assam was are involved in operating call centers across India and are scamming and 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 out of money or personal information 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, computer or social media account has been hacked. Further, this gang of Scammers initiate contact through unsolicited phone calls, claiming to be from a well known company or organization, such as a bank, tech support, government agency, or even a popular online service for their financial gain. They ask the victims to install remote desktop software and thereby take access to their computers and thereafter steal personal information and plant malware on the targets victims devices. More importantly, the gang of scammers has associates and members across India and the scammers launders the money obtained through these scams. Accordingly, upon-receipt of the source information, I along with combined staff have made an enquiry about the matter in the Guwahati City. During enquiry, it revealed that the following persons along with other accomplices have illegally setup Customer Care Centres/Call Centers as per information received at Bamunimaidam (back side of Sicedm) Mono Motors building at Bamunimaidam, at VIP Road opposite Trust Motors, Outspire Solutions at Zoo Road, above AG Medicare at Rajgarh Road, near Hotel D Agni Dip at ABC and few other places of Guwahati which are used to scam and cheat Indian and Foreign Nationals by impersonating as Tech Support Staff. During enquiry, intel received has been found to be true to its nature. The below mentioned accused along with others are found to be the masterminds involved in the offense. Furthermore, the accused persons and their associates manipulates and forge electronic documents and use them as genuine documents for the purpose of cheating and found to be actively operating this scam since quite long”.

4. This FIR was registered as Cyber P.S. Case No. 08/2023 u/s 120(B)/419/420/385/467/471/468/507 of the Indian Penal Code read with Sections 65/66/66B/66C/66D of the Information Technology Act, 2000. After investigation the police arrested the present petitioners on 16.09.2023 and 17.09.2023 and the petitioner Nos. 1, 2, 3 were granted bail by this Court on 08.11.2023 and thereafter the instant case was registered on 07.11.2023 by the complainant, Inspector of Police (UB), Crime Branch, Guwahati and this FIR was registered as Dispur P.S. Case No. 2126/2023 and the relevant portions are quoted herein below verbatim:-

“I, hereby submit this First Information Report (FIR) to inform you of a serious event involving the illegal operation of fraudulent call centres in Guwahati, Assam. With reference to General Diary Entry No. 17 dated 06.11.2023, a centres engaged in tech support scams targeting gullible Indian and Foreign Nationals. The perpetrators impersonate as tech support staff, initiate unsolicited phone calls, and employ deceptive tactics to defraud individuals of money and personal information. The reliable source of information has revealed that these fraudulent call centres operate by generating fake tech support pop-ups and posing as legitimate customer service representatives. They create a false sense of urgency or fear by claiming bank accounts have been compromised, computers are infected with viruses, personal identifiable information (PII) is at risk, or social media accounts have been hacked. The scammers gain access to victims computers through remote desktop software, stealing personal information and planting

malware on their devices”.

5. The petitioners are behind bars in connection with the afore-mentioned case since 09.11.2023.

6. Heard Mr. B. Sharma, learned Addl. P.P. who has stated that the petitioners are booked in connection with this case as they are alleged to be owners as well as employees who are actively involved in running the fake Call Centres in and around Guwahati city. They have duped not only Indian citizens but also foreigners and deceived them by inducing them to part with huge amount of money. The money is circulated through the dark web and Bitcoin which cannot be detected easily. The petitioners are not local residents and they are flight risks. Investigation is still under progress and digital documents may be interpolated if the petitioners are released on bail. Although the fake Call Centres have been shut down, the petitioners can easily operate from remote areas. The import of the sections under which the petitioners are booked does not entitle them to bail.

7. I have considered the submissions at the Bar with circumspection. I have scrutinised both the FIRs lodged against the petitioners. I have also considered the prayer of parity. The co-accused of the petitioners had already been released on bail by a co-ordinate Bench of this Court vide order dated 24.11.2023 in Bail Application No. 4300 of 2023. It cannot be ignored that the FIRs are of similar nature and the petitioners are booked with similar offence in both the afore-mentioned cases. Therefore, I have considered the length of detention. Investigation may have presumably progressed.

8. Considering all aspects, petition is allowed. The petitioners are enlarged on bail under the following conditions:-

i) the petitioners are to be released on bail on their execution of a bond of Rs. 50,000/- each, with two local solvent sureties of like amount to the satisfaction of the jurisdictional Court, under the conditions that-

(a) the petitioners shall attend in accordance with the conditions of the bond executed;

(b) the petitioners shall not commit an offence similar to the offence of which they are accused, or suspected of;

(c) the petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(d) the petitioners will not leave the country without prior written permission from the jurisdictional Court.

9. Bail Application stands disposed of.

JUDGE

Comparing Assistant