

**HIGH COURT OF TRIPURA
AGARTALA**

AB 17 of 2024

Rahima Begum Laskar

aged about 45 years. Wife of Lt. FakarUddinBarbhuiya,
Resident of- Vill. Baliuna, P.O. Vichincha, P.S. Hailakandi.
District: Hailakandi, Assam.
Pin- 788150

..... Accused-Applicant(s)

Versus

CBI

Union of India

....Respondent(s)

For the Applicant(s) : Md. Taher Ahmed Choudhury, Advocate

For the Respondent(s) : Mr. B. Majumder, Dy. SGI

HON'BLE MR. JUSTICE ARINDAM LODH

Order

05/07/2024

Heard Mr. Taher Ahmed Choudhury, learned counsel appearing for the accused-applicant. Also heard Mr. B. Majumder, learned Dy. SGI appearing for the respondent-CBI.

This is an application filed under Section 438 of Cr.P.C. for granting anticipatory bail to the accused, namely Mst. Rahima Begum Laskar on apprehension of her arrest by the Investigating Officer in connection with CBI Case No.RC0202023A0009 dated 13.03.2023 lodged at CBI Police Station, ACB, Shilong for allegedly committing offence under sections 406/420/34 of the IPC.

The complaint was lodged by one Md. Kutub Ali stating *inter alia* that being one of the Board of Directors of Win India Construction and Real Estate Pvt. Ltd., the accused-applicant cheated many people including the complainant. The complainant had invested some money in the said company, but it was not refunded back to him and at present there is no existence of the said company. On the basis of the above allegation, initially a case was lodged at Kailashahar P.S. of Tripura being case No.178/2011.

Thereafter, in pursuance of the direction passed by this Court, the case has been handed over to CBI. CBI lodged the FIR against the accused in the year 2023.

It is the case of the accused-applicant that she was released in connection with similar and identical matters and on similar kind of allegations by the Hon'ble Gauhati High Court's orders dated 14.12.2011 and 28.05.2012 (*Annexure-4* to the anticipatory bail application).

I have perused the above mentioned bail orders.

Learned counsel for the accused-applicant has submitted that though the applicant had been included as one of the Board of Directors of the said company, but she was not directly involved and her husband was actually involved with the affairs of the company. She had no knowledge about the day to day affairs of the company and she was actually a housewife. Learned counsel has further submitted that till 2023, she was never informed about the registration of the case, neither by the Tripura Police officials nor by the CBI. However, very recently, CBI officials are trying to arrest her and they also raided her house which prompted the accused-applicant to file the instant anticipatory bail. Learned counsel for the accused-applicant has further submitted that the accused-applicant is now a widow since her husband, who was also one of the directors of Win India Construction and Real Estate Pvt. Ltd., had expired.

On the other hand, Mr. Majumder, learned Dy. SGI has submitted that on 12.04.2011, the petitioner had issued a cheque.

It is revealed from the bail orders as mentioned above that under Resolution dated 28.03.2010, the petitioner had resigned as one of the directors of the said company.

I have considered the submissions advanced by learned counsel appearing for the parties.

I have taken into consideration the earlier bail orders mentioned here-in-above whereby and whereunder the accused-applicant was released on anticipatory bail where she apprehended arrest in connection with Hailakandi P.S. Case No.421/2011 under sections 120(B)/420/406/34 of the Indian Penal Code and Silchar P.S. case No.1903/2011 under Sections

406/420/168/506/34 of the Indian Penal Code. I have also considered the fact that the accused-applicant had resigned as one of the Directors of the said company under Resolution dated 28.03.2010 though Ld. Dy. SGI submits that she issued a cheque in the year 2011. However, without commenting further, I am of the opinion that it is a fit case for granting anticipatory bail considering the fact that though the complaint was lodged in the year 2011, but till the year 2023, no endeavour was taken to arrest the applicant. Moreover, the accused-applicant was released on anticipatory bail in connection with two cases registered against the Board of Directors including the accused-applicant and till now there is no material before the court to hold that the applicant has abused the benefit of granting anticipatory bail in any manner whatsoever.

Accordingly, the accused-applicant, namely, Mst. Rahima Begum Laskar is directed to be released on pre-arrest bail. In the event of her arrest, the accused-applicant shall furnish a bail bond of Rs.50,000/- (Rupees fifty thousand) with one surety of the like amount to the satisfaction of the Investigating Officer, CBI provided that the accused shall abide by the following conditions:

- I. The accused-applicant shall cooperate with the process of investigation in all respects and will pass on all information that is in her knowledge.
- II. She is directed to appear before the CBI office at Shillong on 22 July, 2024 without fail.
- III. The accused-applicant shall also comply with all the directions to be passed by the Investigating Officer of the CBI.

With the above observations and directions, the instant anticipatory bail stands allowed and disposed.

Return the case diary.

JUDGE