

GAHC010055082024



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

Case No. : Bail Appln./785/2024

NURUL AMIN TALUKDAR
S/O RUSTOM ALI TALUKDAR
R/O KADAMGURI
P.O. DABALIAPRA,
P.S. HOWLY
DIST. BARPETA, ASSAM
PIN-781316

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

28.03.2024

Heard Mr. P.K. Das, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, for the State respondents.

2. This is an application under Section 439 of Code of Criminal Procedure, 1973 for granting bail of the petitioner i.e. Nurul Amin Talukdar, who was arrested on 14.02.2024 in connection with Cyber P.S (Panbazar) Case No.04/2024 registered under Sections 419/420 of IPC read with Section 66(D) of the IT Act, 2000.

3. The case of the prosecution is that an FIR was lodged by one Monmi Deka stating inter-alia that on 06.02.2024, an unknown person through a phone number called the complainant by introducing himself as a bank employee. It is further alleged that the said person stated that he needed her credit card to set new credit limit and after that the accused person came to the house of the informant and took the credit card number of the complainant including CVV number of the complainant. It is further alleged that thereafter the informant received an OTP on her mobile and the same was shared with the accused person. It is further alleged that after sharing of the said OTP, a sum of Rs. 40,786/- was debited from her account. Accordingly, a case was registered.

4. Mr. P.K. Das, learned counsel for the petitioner submits that the petitioner used to work in Credit Card Department of ICICI and SBI Bank and in connection with his job, he used to make phone calls to customers. He further submits that the petitioner is not currently working in Credit Card Department of the said two banks. He further submits that he has been falsely implicated in the offence alleged.

5. Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondents on the other hand strongly opposes the prayer for bail. He submits that the petitioner is the Executive of Bank Credit Card Officials of ICICI and SBI bank. He further submits that accordingly he has taken advantage of his official position and duped the customers.

6. I have heard the submissions made at the bar and have perused the materials available on record.

7. It appears that the investigation has substantially progressed. It further appears that the statements of the witnesses have already been recorded under Section 161 Cr.P.C by the Investigating Officer. It further appears that the petitioner has been interrogated on 14.02.2024. It also appears that the petitioner has been languishing in jail since last 45 days. It further appears that from the materials collected by the Investigating Officer, there are sufficient materials implicating the accused as a main accused for the offence alleged.

8. Undoubtedly the magnitude of the offence is grave. However, bail is not punitive. Object of the bail is to secure the appearance of the petitioner at trial by a reasonable amount of bail.

9. Considering the length of detention and the totality of the facts and circumstances of the case, this Court is of the considered view that further detention of the petitioner may not be justified for the ongoing investigation.

10. Accordingly, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case, on furnishing a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), subject to the following conditions:-

- (i) That the petitioner shall co-operate with 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 him from disclosing such facts to the Court or to any Police Officer; and

(iii) The petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

6. With the above observations and directions, the bail application stands disposed of.

JUDGE

Comparing Assistant