

GAHC010073402024



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

Case No. : Bail Appln./1031/2024

IKRAMUL HOQUE
S/O AHMED ALI
R/O WARD NO. 6,
TATIKATA PATHAR
P.S. MOIRABARI
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 30-04-2024

Heard Mr. S.M. Abdullah P, learned counsel for the petitioners and Ms. A. Begum, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 [CrPC], the accused-petitioner viz. Ikramul Hoque has prayed for his release on bail in connection with BI[EO] Police Station Case no. 25/2021 registered under Sections 120B/420/406, Indian Penal Code [IPC].

3. The accused-petitioner was shown arrested in connection with BI[EO] Police Station Case no. 25/2021, when he was in custody in connection with another case.
4. The First Information Report [FIR] was filed on behalf of M/s One MobiKwik Systems Limited, Haryana, a company dealing in providing mobile wallet services in India. The company, M/s One MobiKwik Systems Limited has been associated with the M/s National Payments Cooperation of India [NPCI] for developing National Toll Electronic Collection Programme to meet the electronic tolling requirement of the Indian market. The company has been given the task to implement FASTag programme in India by M/s Indian Highway Management Company Limited, a company promoted by M/s National Highway Authority of India [NHAI]. From the contents of the FIR, it transpires that 30,938 illegal transactions were made by 29,758 distinct customers in the State of Assam involving an amount of Rs. 10,73,58,331/- [approx.]. The company in the FIR has mentioned that the said amount of Rs. 10,73,58,331/- was utilised for FASTag recharges for 617 vehicles. On analysis of the transactions, the company has found out that the customers in the State of Assam had defaulted in repaying the amount utilised to recharge their FASTag through ZIP product. The modus operandi which is found to have been adopted, has been mentioned in paragraph 11 of the FIR.
5. The company has alleged involvement of a big organised cyber-crime racket in the commission of the crime and has sought for an investigation. Accordingly, the FIR has been registered. In the course of investigation, a number of persons have been arrested and the petitioner is one of the accused persons, who has been shown arrested in connection with the said case on and from 13.03.2024.
6. Mr. Gogoi, learned Additional Public Prosecutor has produced the case diary.
7. Form the materials available in case diary, collected during the course of investigation carried out so far, it is noticed that it is a case of organised cyber crime and the transactions are not possible without involvement of a big racket. From the materials in the case diary, it appears that out of total 29,758 distinct customers, who borrowed short loans from the

informant, that is, M/s One MobiKwik Systems Limited through 30938 nos. of transactions for the purpose of recharging FASTag against 711 nos. of vehicles amounting to a loan amount of Rs. 10,73,58,331/- was landed in total 653 customers of PayTM. On further analysis of the data provided by PayTM with respect to the E-Wallets linked to these FASTags of 711 cars, it has been found out that amounts were landed up in at least accounts of 7 [seven] nos. of persons. The petitioner herein, who is shown to be holding Mobile no. 98648-12343, is one of the said 7 [seven] persons in whose account a part of the amount of Rs. 10,73,58,331/- has got transferred.

8. As the investigation is in progress and in view of the nature of incriminating materials found to be collected against the petitioner in the course of investigation carried out till date, this Court is of the considered view that no case is made out for release of the accused-petitioner on bail at this stage of investigation. Accordingly, the instant bail application stands rejected.

JUDGE

Comparing Assistant