

GAHC010124872024



2024:GAU-AS:12220

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

Case No. : AB/1611/2024

SMTI. CHAYANIKA KASHYAP AND 4 ORS.
D/O SRI ATUL CH. KALITA, R/O HOUSE NO. 11, SHANTIBAN PATH,
HATIGAON, GUWAHATI, PIN-781038, DIST- KAMRUP (M), ASSAM

2: NILUTPOL GOGOI
S/O SRI DILIP KUMAR GOGOI
R/O VILL- HOUSE NO. 8
MOITREE NAGAR
OPPOSITE BURHA MASJID
DAKHINGAON
KAHILIPARA
GUWAHATI
PIN-7811019
DIST- KAMRUP (M)
ASSAM

3: SMTI. MASSAR BORAH
D/O SRI MRIGEN CH. BORAH
R/O HOUSE NO. 302
HILL VIEW APARTMENT
AMBIKARI NAGAR
AKASHI PATH
ZOO ROAD
GUWAHATI
PIN-781019
DIST- KAMRUP (M)
ASSAM

4: SANTANU CHAKRABORTY
S/O SRI NRIPEN CHAKRAVORTY
R/O NEAR PBD H.S. SCHOOL
BARKHALA
DEHAR
KUCHI

PIN-781350
DIST- NALBARI
ASSAM

5: SMTI. SONIA RABHA
D/O MOHENDRA RABHA
R/O VILL AND P.O.-PHOTAMATI
P.S.-TIKRIKILLA
PIN-794109
DIST-WEST GARO HILLS
MEGHALAY

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H K DAS, MR N K SARMA

Advocate for the Respondent : PP, ASSAM, MR. K KALITA(INFORMANT),MR. I H SAIKIA(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

03-12-2024

Heard Mr. H K Das, learned counsel for the petitioners and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending their arrest, the petitioners, namely, (i) **Smti. Chayanika Kashyap**, daughter of Sri Atul Ch. Kalita; (ii) **Sri Nilutpol Gogoi**, son of Sri Dilip Kumar Gogoi; (iii) **Smti. Massar Borah**, daughter of Sri Mrigen Ch. Borah; (iv) **Sri Santanu Chakraborty**, son of Sri Nripen Chakravorty and (v) **Smti. Sonia Rabha**, daughter of Mohendra Rabha have filed this application under Section 438 CrPC, seeking pre arrest bail in **Dispur Police Station Case No. 538/2024** registered under Sections 406/420 of IPC, corresponding to G.R. No. 3167/2024.

3. The complainants on 31.05.2024 lodged the FIR of the case before the Officer-in-

Charge of Dispur Police Station alleging that the accused persons of the case had entered into an agreement with them in the name of Vihaan QNet, but they had malafide intentions in terms of international business opportunities by showing them false benefits from the business and their working model, for which they had invested huge amounts, but did not receive the benefits in terms of the agreement they had executed with the accused persons of the case.

4. The Court by order dated 21.06.2024 granted interim bail to the petitioners, pursuant to which, they appeared before the concerned Investigating Officer of the case and their statements were accordingly recorded.

5. On being enquired, Mr. Parashar, learned APP, Assam from the case diary has submitted that the petitioners are regularly appearing before the concerned I.O. of the case and are cooperating with the instigation of the case, though there are incriminating materials against them as the agreements were signed in the name of the company Vihaan QNet whereas the money of the complainants were received by the petitioners in their personal accounts.

6. Considering such materials in the case diary, the Court is of the view that custodial detention of the petitioners is not warranted for investigation of said Dispur P.S. Case No. 538/2024. As such, this pre arrest bail application of the petitioners is accepted.

7. Accordingly, the interim pre-arrest bail granted to the petitioners on 21.06.2024 in said Dispur P.S. Case No. 538/2024, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the said order dated 21.06.2024 and on compliance of the following conditions that the petitioners – **(i)** shall not hamper with the investigation, or tamper with the evidence of the case; **(ii)** shall not leave the territorial jurisdiction of Dispur Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case and **(iii)** shall not involve themselves in any criminal activities in future.

8. Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 21.06.2024, noted above, by the petitioners, named above, the pre-arrest bail granted to them in the aforementioned Dispur P.S. Case No. 538/2024 shall stand automatically vacated.

- 9.** This pre-arrest bail application accordingly stands disposed of.
- 10.** Return the case diary herewith.

JUDGE

Comparing Assistant