

GAHC010154952024



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

**Case No. : Bail Appln./2287/2024**

JANAK BASUMATARY  
S/O LATE BHIM RAM BASUMATARY, TEMP. ADD.- R/O SAGALPARA, H/NO.  
18-A, P.S.-BASISTHA, PERMANENT ADD.- DHAPATIA, JYOTIKUCHI, P.S.-  
FATASIL AMBARI, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR D MEDHI, MS R BEGAM,MR. A HUDA,MR K THAKUR

**Advocate for the Respondent** : PP, ASSAM,

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

**ORDER**

**Date : 20.08. 2024**

Heard Mr. D. Medhi, learned counsel for the petitioner, Janak Basumatary.

The petitioner has filed this application under Section 483 of BNSS, 2023. with prayer for bail as she is behind the bar since 27.07.2024 in connection with Basistha PS Case No. 545/2024 under Sections 3(5)/ 316(2)/ 318(2) of BNSS, 2023.

Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

The case diary, as called for, is received and perused.

The allegation against the petitioner is that the petitioner was involved with collection of money in the name of trading app i.e. DAAI and requested the informant to invest a huge amount in the said app. It is submitted that the petitioner himself has invested a huge amount in the said app and he himself is a victim. The prime accused Naresh Kumar Reddy has created the app and requested the petitioner to join with investment. The petitioner himself is a victim of that fraudulent act and more than Rs. 35,00,000/- has been invested by the petitioner and at present the prime accused cannot be traced, and money is siphoned by the prime accused.

I have also gone through the case record and its annexure appended thereto. I have also scrutinized the case diary.

The learned Addl. P.P. has raised serious objection against the prayer of the bail on the ground that there are sufficient incriminating materials available in the case diary against the present petitioner.

I have considered the submissions at the Bar with circumspection.

I have also considered the submission that the petitioner shall cooperate with the remaining part of the investigation. The petitioner has been behind the bars since 27.07.2024 and investigation has substantially progressed.

Without considering the merit of the case, this court is of the view that considering the period of detention, the petitioner namely Janak Basumatary be enlarged on bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned, Chief Judicial Magistrate Kamrup

(M), Guwahati in connection with the aforesaid case under the following conditions that:-

1. the petitioner shall refrain from such activities with which he is alleged,
2. the petitioner shall cooperate with the reaming part of investigation and shall not default in appearance and appear regularly before the I.O.,
3. the petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission from the jurisdictional Court, till completion of investigation.

On breach of any of the bail conditions, the bail order shall stand automatically cancelled.

Bail application stands disposed.

Return the case diary.

**JUDGE**

**Comparing Assistant**