

GAHC010160002024



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

Case No. : AB/2097/2024

NIBHA BORO
W/O SRI BINOD DAS
R/O GARCHUK
P.O. GARCHUK
P.S. GARCHUK
DIST. KAMRUP (M), ASSAM
PIN-781035

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR B BORA, MR P S RAJA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30.08. 2024

1. Heard Mr. B. Borah, learned counsel for the petitioner, Smti Nibha Boro, who has filed this bail application under Section 482 of BNSS, 2023, with prayer for pre-arrest bail in connection with Basistha P. S. Case No. 545/2024 under

Sections 3(5)/ 316(2)/318(4) of BNS, 2023.

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

3. The FIR unfolds that the petitioner along with other co-accused named in the FIR opened a "DAAI Trading App" and on the pretext of returns in the invested money, misappropriated huge amount of funds and then cheated the innocent citizens.

4. It is submitted on behalf of the petitioner that the petitioner herself and her husband invested more than Rs. 13 lakhs in the said DAAI Trading Co. Annexure 4 are the bank transactions and the payments were made through UPI mode.

5. Case diary as called for is received and perused. I have considered the submissions at the bar with circumspection. I have considered the progress of investigation. I have scrutinized the case diary produced before me.

6. The learned Addl. P.P. has raised objection against the prayer of bail on the ground that there are incriminating materials against the petitioners in the case diary.

7. It appears that custodial interrogation may not be necessary for further progress of investigation. The petitioner is willing to cooperate with the investigation and abide by all the stringent conditions if imposed on her. Investigation has progressed to a considerable extent. I have considered the submission of the learned counsel for the petitioner that her husband is at present bed ridden and Annexure 1 of the affidavit are the medical documents of his ailment.

8. In view of my foregoing discussions, bail petition is allowed.

Accordingly, it is directed that in the event of arrest of the petitioner named above in connection with the aforementioned case, she shall be enlarged on pre-arrest bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority under the following conditions that:-

- (i) the petitioner shall appear before the I.O. within 1 (one) week from today;
- (ii) The petitioner shall refrain from such activities with which she is alleged;
- (iii) the petitioner shall cooperate with the remaining part of investigation and shall appear before the I.O. on every fort night, till completion of investigation;
- (iv) the petitioner shall not hamper with the investigation or tamper with the evidence of the case;
- (v) the petitioner shall not leave the jurisdiction of the court without prior permission.

9. On breach of any of the bail conditions, pre-arrest bail order shall stand automatically cancelled.

10. The bail application is disposed of.

11. Send back the case diary forthwith.

JUDGE

Comparing Assistant