

GAHC010164322024



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

Case No. : AB/2248/2024

BAL KRISHNA BHUWANIA
S/O SUNIL KUMAR BHUWANIA
37, A BLOCK, SAGAR HEIGHTS, BANGUR AVENUE, KOLKATA-700055,
WEST BENGAL.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M SMITH, B BORA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

10.09.2024

1. Heard learned counsel Mr. M. Smith for the petitioner Bal Krishna Bhuwania.
2. The petitioner has filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with

Tinsukia P. S. Case No. 423/2023 under Sections 406/420 of the IPC.

3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.

4. I have considered the submissions at the Bar. I have also scrutinized the Case Diary.

5. The FIR unfolds that on 10.07.2023, the complainant received a phone call from an unknown mobile number and the person on the other end, instructed the complainant to download an app from play store to claim merchandise from Amazon. On the following day i.e., on 11.07.2023 at about 7:30 a.m., the complainant received another phone call from SBI Contact Centre, Jaipur about fraudulent transaction of Rs. 3,90,000/- from his account with SBI. The complainant then contacted the local branch of SBI and it has surfaced that the complainant's money was deposited into the account of Laltu Dey. It is submitted on behalf of the petitioner that the petitioner is not involved in this case. The main accused, Laltu Dey has already been arrested in connection with this case and he has been granted bail by the learned Chief Judicial Magistrate.

6. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the present petitioner.

7. I have scrutinized the Case Diary. Indeed there are incriminating materials in

the Case Diary against the present petitioner.

8. At this juncture, I am constrained to reject the bail petition as there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner at this stage of investigation. Hence, petition is rejected at this stage.

9. Send back the Case Diary.

JUDGE

Comparing Assistant