

GAHC010191702024



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

Case No. : Bail Appln./2798/2024

ABINASH MAHATO
S/O LATE DHARMESWAR MAHATO
R/O HOUSENO. 42, WARD STREET, UZANBAZAR, P.S. LATASIL, GUWAHATI,
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MR. D BORA, MR. N MAHAJAN, MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 23-09-2024

Heard learned counsel Mr. A. Chaudhury for the petitioner Abinash Mahato, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since

03.09.2024 in connection with Cyber Police Station Case No. 22/2024 under Sections 468/420/406 of the Indian Penal Code, 1860.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The FIR unfolds that in the month of December, 2023 Bablu Das called the informant and approached him to open a bank account at Federal Bank, Christian Basti branch and he took the informant with him and fraudulently took the informant's signature and created a bank account without the consent of the informant. After opening his bank account, the accused Bablu Das collected his passbook, cheque book and ATM Card from the abovementioned bank and when the informant asked about his passbook, cheque book and ATM Card, the informant was apprised that Bablu Das was willing to use his passbook, cheque book and ATM Card for a few days.

4. Again after a few days, when the informant asked Bablu Das to hand over his passbook and ATM card, the same was not returned to the informant. The informant learnt that his passbook, ATM Card and cheque book etc. were used by Bablu Das for multiple transactions and many people were cheated in the same manner. Many people were also involved in this scam in an organized manner. During investigation, the petitioner was also arrested in connection with this case.

5. It is submitted on behalf of the petitioner that the petitioner had received an amount of Rs.1500/- (Rupees One Thousand Five Hundred) per day as all the transactions were conducted in his hostel. The petitioner is the owner of the hostel and the hostel is in his mother's name. The petitioner is not involved with

the scam as alleged. The petitioner is a meritorious student who has passed his B.A. in first division. Annexure-F is the provisional pass certificate.

6. I have considered the submissions at the bar with circumspection. Indeed there are incriminating materials in the Case Diary against the petitioners. I have considered that custodial detention may not be required for the progress of investigation. I have also considered the submission on behalf of the petitioner that he is willing to abide by any stringent bail conditions if imposed upon him. I have considered the bail petition on the ground of parity as two co-accused have already been granted interim bail vide order dated 10.09.2024 in connection with AB No. 2394/2024.

7. In view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) under the conditions that :-

(i) the petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation,

(ii) the petitioner shall refrain from such activities with which he is alleged and,

(iii) the petitioners shall not leave the jurisdiction of the Court without prior permission.

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

9. In terms of the above observation, this Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant