

GAHC010193082024



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

Case No. : Bail Appln./2815/2024

SMTI ANKITA DHAR
W/O SHRI HIROK JYOTI PAUL
PERMANENT RESIDENT OF HAILAKANDI TOWN,
WARD NO. 6, P.O., P.S. AND DIST. HAILAKANDI, PIN-788151

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. A BHATTACHARYA, MS ANKITA SAHARIA, MR S
PAUL, MR. A BHATTACHARJEE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.09.2024

1. Heard Mr. A. Bhattacharya, learned counsel for the petitioner Ankita Dhar.
2. The petitioner has filed this application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 with prayer for bail as she is behind bars since

03.09.2024 in connection with Hailakandi P.S. Case No. 201/2024 registered under Sections 406/420/34 of the IPC read with Sections 21(3)/22/23 of the Banning of Unregulated Deposit Schemes Act, 2019.

3. Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has raised objection stating that the alleged offence is an economic offence and the petitioner is the Block Officer of a Company which was registered under the RBI and recognized by SEBI.

5. The FIR unfolds that the complainant was duped into investing Rs. 2000/- for a loan of Rs. 25,000/-. It is submitted on behalf of the petitioner that the Forwarding Report reveals that before the FIR was lodged, investigation had already commenced and all the officials of the Singhania Fintech Agribusiness Consortium were forwarded to custody on discovery of the alleged offence. Annexure-3 of the petition depicts that the receipt was not signed by the present petitioner. The present petitioner is a new incumbent of the Company and she was not aware that it was a fraud company acting in a fraudulent manner to procure deposits on the pretext of providing loan. It is further submitted that the petitioner's 4 year old daughter is suffering from asthmatic problem. The petitioner has to take care of her daughter. It is submitted that the petitioner has already co-operated with the investigation.

6. The learned Special Judge while rejecting the police remand vide order dated 09.09.2024, in connection with the aforementioned case has observed that police remand of the petitioner is not required.

7. I have considered the submissions at the Bar. It appears that bail may be granted to the petitioner.

8. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned Special Judge cum Sessions Judge, Hailakandi under the conditions that:

- (i) The petitioner shall co-operate with the remaining part of the investigation and appear before the Investigating Officer on every fortnight till completion of investigation,
- (ii) The petitioner shall refrain from such activities with which she is alleged, and
- (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

10. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant