

GAHC010197842024



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

Case No. : AB/2557/2024

AMAL CH ARJYA AND ANR
R/O VILL- BAMUNGAON PT.I,
PS- ABHAYAPURI,
DIST. BONGAIGAON, ASSAM

2: SMT. MOONMOON DUTTA ARJYA
R/O VILL- BAMUNGAON PT.I
PS- ABHAYAPURI
DIST. BONGAIGAON ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P RAHMAN, MR S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

03.10.2024

Heard Mr P Rahman, learned counsel for the petitioners, 1) Amal Ch. Arjya, and 2) Smt. Moonmoon Dutta Arjya, who have filed this application under Section 482 of the BNSS, 2023, with prayer for bail, as they are apprehending arrest in connection with

Abhayapuri PS Case No. 216/2024, corresponding to NGR Case No. 344/2024 under Sections 316(2)/318(2) of the BNS, 2023, read with Section 21(1)/21(2)/21(3) of the Banning of Unregulated Deposit Scheme Act, 2019.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor appearing on behalf of the State of Assam.

4. It is submitted on behalf of the petitioners that the petitioners have been falsely accused that they have misappropriated crores of rupees at Abhayapuri through an illegal app, namely, Hedgex, with the help of Asraful Ahmed, Anowar Hussain, Deepak Paul.

5. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioners.

6. I have also scrutinized the Case Diary.

7. There are indeed incriminating materials in the Case Diary against the petitioners.

8. Investigation is still under progress.

9. It appears that investigation may be adversely affected if the petitioners are enlarged on bail, at this stage.

10. Although it is submitted that an organization has lodged the FIR and the aggrieved have not lodged the FIR, yet at this juncture, I am not inclined to grant bail to the petitioners.

11. Petition stands rejected at this stage.

12. Send back the Case Diary.

JUDGE

Comparing Assistant