

GAHC010204532024



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

Case No. : AB/2628/2024

RUPJYOTI GOGOI
S/O LATE BOKUL GOGOI
R/O SIMALUGURI BAZAR,
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM
PIN-784165

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MUSTAFIJUR RAHMAN, A L RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

23-10-2024

Heard Mr. M. Rahman, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 482 of the BNSS, 2023, the petitioner, namely, **Rupjyoti Gogoi**, son of late Bokul Gogoi, resident of Simaluguri Bazar

under Bihpuria Police Station of Lakhimpur District is seeking pre-arrest bail in **Bihpuria P.S. Case No. 116/2024** registered under Section 420/406 of the IPC.

3) As per the FIR of the case dated 25.07.2024, the informant Biren Pando, a retired teacher lodged a written complaint before the in-Charge of Simaluguri Out Post stating that on 11.05.2024, he paid an amount of Rs.60,000/- through Google Pay and on the same day, he also paid another amount of Rs.30,000/- through Google Pay, to the petitioner, as the petitioner assured him to provide coloured GI Sheet used for roofing in his house. As demanded by the petitioner, the informant again on 16.05.2024 paid another amount of Rs.10,000/- to the petitioner and on 10.06.2024 paid another amount of Rs.3,000/- for such coloured GI Sheet to the petitioner. But, thereafter, the petitioner neither supplied the coloured GI Sheet to the informant, nor returned his money and further, blocked his phone number. Having no other alternative, the informant lodged the FIR of the case before the Simaluguri Out Post, which was subsequently registered as Bihpuria P.S. Case No. 116/2024.

4) Mr. B. Sarma, learned Additional Public Prosecutor, Assam has placed the case diary before the Court today.

5) From the case diary, it is seen that the petitioner impersonated himself as a personnel working in the Khaigaon GI Sheet Factory and assured many of the villagers to provide with coloured GI Sheet used for roofing in a cheaper rate. In that manner, the petitioner cheated many of such villagers by taking their money without supplying the GI Sheet.

6) Case diary also reveals that police have already seized large number of money receipts paid in the account of the petitioner by various means, like Google Pay in his account.

7) As the case diary reveals sufficient incriminating materials against the

petitioner with regard to his involvement in the alleged crime regarding cheating the innocent villagers including the informant of the case, this Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, named above, in said Bihpuria P.S. Case No. 116/2024.

8) Accordingly, this pre-arrest bail application of the petitioner in said Bihpuria P.S. Case No. 116/2024 stands rejected.

9) Return the case diary.

JUDGE

Comparing Assistant