

GAHC010207642024



2024:GAU-AS:11183

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

Case No. : Bail Appln./3062/2024

KHAIRUL ALOM MAZUMDER
S/O LATE NAMOR ALI MAZUMDER, R/O VILL. BARJURAI, P.O.BOALIPAR
BAZAR, DISTRICT HAILAKANDI, ASSAM

VERSUS

CENTRAL BUREAU OF INVESTIGATION
REPRESENTED BY THE SPL. PUBLIC PROSECUTOR, CBI

Advocate for the Petitioner : MR. S ROY, M. HOSSAIN, MR. M H LASKAR

Advocate for the Respondent : SPL. PP, C.B.I.,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18-11-2024

Heard Mr. M.H. Laskar, learned counsel for the petitioner Khairul Alom Mazumder, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS for short) with prayer for bail as he is behind bars since 02.09.2024 in connection with Hailakandi Police Station Case No. 201/2024 under Sections 406/420/34 of Indian Penal Code, 1860 r/w Section

21(3)/22/23 of the Banning of Unregulated Deposit Schemes Act, 2019.

2. Heard Mr. M. Haloi, learned Special Public Prosecutor, CBI.

3. The allegation against the petitioner is that he was employed as External Coordinator of Singhania Fintech Agribusiness Consortium Ltd., Hailakandi. It is alleged that he has directed his agents to collect money @ Rs.2000/- (Rupees Two Thousand) from the public by making false promise of providing loan of Rs.25,000/- (Rupees Twenty Five Thousand). In this manner, the company has amassed wealth in a fraudulent manner and collected crores of rupees. It is submitted on behalf of the petitioner that the petitioner is merely an employee, who was appointed on 20.02.2024 as Block Coordinator. The petitioner had no clue that the company was involved in fraudulent activities. The Board of Management is responsible for all the fraudulent activities of the company but the Investigating Agency overreached their jurisdiction and arrested many employees from peon to coordinator.

4. Learned Additional Public Prosecutor has raised serious objection stating that investigation is still under progress. If the petitioner is admitted to bail, investigation may be adversely affected as the petitioner is involved in an economic offence.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. The merits of this case are not brought to the fore as investigation is still under progress. I have considered the length of detention. I have also considered the submission that the petitioner is entitled to bail on the ground of parity. I have also considered the submission that the petitioner is willing to abide by any stringent bail conditions, if imposed upon him.

6. Considering all aspects, I deem it appropriate to grant bail to the petitioner. The petitioner is 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 learned jurisdictional Court under the conditions that :

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

(ii) the petitioner shall appear before the Investigating Agency on every fortnight and cooperate with the investigation.

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

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

9. Send back the Case Diary.

JUDGE

Comparing Assistant