

GAHC010207902024



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

Case No. : AB/2665/2024

BIKI ROY
S/O BALAI ROY
R/O MANGALDAI TOWN,
WARD O. 5, NATUNPARA, P.O. AND P.S. MANGALDAI, DIST. DARRANG,
ASSAM, PIN-784125

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHOUDHURY, MS. A KAUSHAR, MR S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

08.10.2024

Heard Mr. S Islam, learned counsel for the petitioner. Also heard Mr. Bhaskar Sarma, learned APP appearing for the State.

2. Apprehending arrest in connection with Dalgaon PS Case No.182/2024, under Sections 406/420 IPC, read with Sections 21(1)/21(2)/21(3) of the Banning of Unregulated Deposit Schemes Act, 2019, the petitioner has filed this application of pre-arrest bail under section 482 of BNSS, 2023.

3. As per the FIR, a company by name Ujjal Mutual Benefit Nidhi Ltd., operating in Darrang district is regularly collecting huge deposits from public in violation of the provisions of Sections 73 and 406 of the Companies Act, 2013 by offering unregulated deposit scheme as defined under Section 2(17) of the Banning of Unregulated Deposits Schemes Act, 2019 which is in violation of Section 3 of the said act.

4. Mr. Bhaskar Sharma, the learned APP has produced the case diary and has opposed the prayer for bail. It is submitted that the investigation is at a nascent stage and the case diary reveals that the petitioner is the person who had provided program on the act by which all the accounts of the company of the principal accused are kept in cloud storage, which is hampering the investigation.

5. On perusal of the case diary, it appears that there are sufficient incriminating materials against the petitioner of providing an application by which the Ujjal Mutual Benefit Nidhi Ltd. has dispensed with books of accounts and they are maintaining their accounts in cloud computing system. Nonetheless there is no material so far in the case diary which suggests that the petitioner had undertaken the task of collecting deposits from public for and on behalf of Ujjal Mutual Benefit Nidhi Ltd. The investigation carried was so far does not indicate that the petitioner to be a Director of this said company or in any way in- charge of the affairs of the said company.

6. Under such circumstances, the Court is of the considered opinion that custodial interrogation of the petitioner may not be necessary. Accordingly, the Court is inclined to grant pre-arrest bail by providing that in the event of his arrest, the petitioner, namely, Biki Roy in connection with the aforesaid case, he shall be released on pre-arrest bail on furnishing bail bond of Rs.50,000/- with one solvent surety of like amount to the satisfaction of the arresting officer.

7. The pre-arrest bail is granted on the following conditions:

I. That the petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

II. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. That the petitioner shall not obstruct the smooth progress of the investigation/trial.

IV. That the petitioner shall not misuse his liberty in any manner.

V. That the petitioner shall not jump over the bail.

VI. That the petitioner shall appear before the I/O within 7 (seven) days from the date of this order.

8. This application stands disposed of.

9. Case diary is returned.

JUDGE

Comparing Assistant