GAHC010210212024

2024:GAU-AS:10095

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

Case No. : Bail Appln./3083/2024

IMRUL HUSSAIN MAZUMDER
S/O LATE FURKAN ALI MAZUMDER, R/O VILL- RANGAUTI PART-I, P.O.- RANGAUTI, P.S. AND DIST- HAILAKANDI, ASSAM, PIN-788155

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K ROYCHOUDHURY, H YEASMIN,MR. A K AZAD,MR H I CHOUDHURY
Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

03.10.2024

1. Heard Mr H I Choudhury, learned counsel for the petitioner, Imrul Hussain Mazumder.

2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since

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

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.

5. The allegation against the petitioner is that he is a member of a shell company, and being a member of such a company, he was involved in collecting money from innocent citizens at the rate of Rs. 2000/- each to disburse a loan of Rs. 25000/- to them. In this manner, innocent villagers were duped and money was syphoned out by the company and when the persons cheated had come up with this case against the petitioner's company, the company is evading to pay and return the money procured from the clients. The petitioner has played a significant role as an employee of the company. It is submitted on behalf of the petitioner that the petitioner had been employed as a field coordinator and he was not aware that he was engaged in such nefarious activities.

6. I have considered the submissions at the Bar with circumspection. I have

scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.

7. Investigation has presumably progressed to a considerable extent. It appears that bail may be granted to the petitioner. The petitioner has pledged to abide any stringent bail conditions, if imposed upon him.

8. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty 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 refrain from such activities with which he is alleged, and

(ii) 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