

GAHC010194812024



2024:GAU-AS:12150

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

Case No. : Bail Appln./2894/2024

RAHUL ROY
S/O LATE NIRMOL ROY
R/O SUBHAS NAGAR
P.S. KARIMGANJ
DIST. KARIMGANJ, ASSAM

VERSUS

CBI
REP BY SPECIAL PP, CBI

Advocate for the Petitioner : MR. A AHMED, MR A AHMED,MR. M A CHOUDHURY,U U
KHAN

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

Linked Case : Bail Appln./3178/2024

NAYAN DEY
S/O NARAYAN CHANDRA DEY
R/O COLLEGE ROAD
P.S. AND DIST- HAILAKANDI
ASSAM

VERSUS

CBI
REPRESENTED BY THE SPL. PUBLIC PROSECUTOR
CBI

Advocate for : MR. A AHMED
Advocate for : SPL. PP
C.B.I. appearing for CBI

Linked Case : Bail Appln./3164/2024

ABDUL SALIM MAZUMDER
S/O SAMSUL HUDA MAZUMDER

RESIDENT OF BILPAR
DHUMKAR
PO RANGAUTI
PS AND DIST HAILAKANDI ASSAM

VERSUS

CBI
REP BY THE SPL. PP
CBI

Advocate for : MR. A H M R CHOUDHURY
Advocate for : SPL. PP
C.B.I. appearing for CBI

Linked Case : Bail Appln./3176/2024

FARIDA AKTAR @ FARIDA AKTAR LASKAR
W/O JAKIR HUSSAIN BARBHUIYA
R/O BADARPUR
WARD NO. 1
P.S.-BADARPUR
DIST-KARIMGANJ
ASSAM

VERSUS

CBI
REPRESENTED BY THE SPL. PUBLIC PROSECUTOR
CBI

Advocate for : MR. A AHMED
Advocate for : SPL. PP
C.B.I. appearing for CBI

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

02.12.2024

Heard learned counsel, Mr A Ahmed, for the petitioner, Rahul Roy, in connection with Bail Application No. 2894/2024, for the petitioner, Farida Aktar @ Farida Aktar Laskar, in connection with Bail Application No. 3176/2024, for the petitioner, Nayan Dey, in connection with Bail Application No. 3178/2024 and learned counsel, Mr A H M R Choudhury, for the petitioner, Abdul Salim Mazumder, in connection with Bail Application No. 3164/2024.

2. The petitioners have filed this application under Section 483 of the BNSS, 2023 with prayer for bail as they are behind bars since 05.09.2024, 27.09.2024, 26.09.2024 and 30.09.2024, respectively in connection with Karimganj PS Case No. 534/2024, under Sections 120(B)/420/406/409 of the Indian Penal Code, 1860, read with Sections 21(1)/21(2)/21(3) of the Banning of Unregulated Deposit Schemes Act, 2019.

3. Heard Mr M Haloi, learned Special Public Prosecutor for the respondent/CBI.

4. Learned Special Public Prosecutor has raised objection stating that the petitioner, Rahul Roy, was the District Coordinator of Singhania Fintech Agribusiness Consortium

Limited, Karimganj. He pressurized the agents to collect Rs. 2,000/- from the public to disburse loan of Rs. 25,000/- to the public. He also insisted the agents to collect Rs. 615/- in order to procure loan from ASCARD Bank. The petitioner Abdul Salim Mazumder is also complicit and he was the District Coordinator of the said Company. The petitioner, Farida Aktar, was an employee and she too pressurized the agents to collect Rs. 2,000/- from the public to disburse loan of Rs. 25,000/-. The petitioner, Nayan Dey was the District Coordinator of the shell company. He in conspiracy with Nargis Parbeen misappropriated huge amount from several GP Coordinators and Block Coordinators in the name of offering employment under the Central Government. He also pressurized the agents to collect Rs. 2,000/- from the public to disburse Rs. 25,000/- to the public.

5. Learned Special Public Prosecutor has raised serious objection stating that this is an economic offence and thus, the petitioners are not entitled to bail. Investigation is still under progress. Investigation may be adversely affected if the petitioners are admitted to bail.

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

7. The FIR unfolds that the informant, Jahida Parbin was working as a Block Coordinator of Karimganj Branch- Singhania Fintech Agribusiness Consortium Limited. She was induced to join the Company and pay an amount of Rs. 35,000/- by the employees of the Company. She received the joining letter on 20.02.2024, after

attending a seminar at Rajib Bhawan, in Silchar. Hemanta Kumar Gogoi, the Managing Director of the aforementioned Company, engaged her as field coordinator and apprised her that the Company is providing a loan of Rs. 25,000/-, in lieu of Rs. 2,000/- to be deposited by the loanee. On 03.03.2024, the informant submitted her documents, such as, Pan Card, Aadhar Card, Voter ID card, Bank Passbook and Passport size photographs and affixed her signatures on the terms and conditions of the Company. On 17.04.2024, she paid Rs. 2,000/- to Nayan Dey, the District Coordinator of Karimganj District. The other District Coordinator called her and informed her that her loan will be credited to her Account at UBI, on 30.03.2024. On 05.04.2024, Hemanta Kumar Gogoi and Amzadul Hussain Mazumdar, came to the Karimganj office and assured the informant that she will get the loan amount before 30.06.2024, but the loan was not credited to the informant's account. The informant later learnt that the management and the employees of Singhania Fintech Agribusiness Consortium Limited under Pragjyotish Fintech Capital Solution Limited, are involved in fraudulent activities.

8. I have also scrutinized the Case Diary.

9. Indeed, there are incriminating materials in the Case Diary against the petitioners.

10. I have considered the submission at the Bar that the petitioners have been cooperating with the investigation and they are willing to abide by any stringent conditions, if they are admitted to bail. Investigation has progressed substantially.

11. It appears that further custodial detention may not be necessary.

12. Considering all aspects, the petitioners are allowed to go on bail on furnishing bail bonds of Rs. 50,000/- each, with a suitable surety of the like amount to the satisfaction of the learned CJM, Karimganj, under the conditions that-

- i) the petitioners shall refrain from such activities with which they are alleged,
- ii) the petitioners shall appear before the IO on every fortnight, till completion of investigation, and,
- iii) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

13. On breach of any of the bail conditions, the learned jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioners.

14. The Bail Applications stand disposed of.

15. Send back the Case Diary.

JUDGE

Comparing Assistant