

GAHC010211762024



2024:GAU-AS:12159

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

Case No. : Bail Appln./3103/2024

TOUHIDA AKTAR BARBHUYA
W/O IMDADUR RAHMAN CHOUDHURY, VILL- BILPAR DAMKOR, P.S.-
HAILAKANDI, DIST- HAILAKANDI (ASSAM), PIN-788155

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A ROSHID,

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./3222/2024

RIAJUL ISLAM MAZUMDER
S/O SIRAJ UDDIN MAZUMDER
RESIDENT OF VILLAGE NITAINAGAR PART III
PS AND DIST HAILAKANDI
ASSAM

VERSUS

CBI
REP BY THE SPL. PP CBI

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

Linked Case : Bail Appln./3300/2024

SAHAB UDDIN MAZUMDAR
S/O LT. TAZAMUL ALI MAZUMDAR
VILL- PURBA SONAPUR
P.S.-HAILAKANDI
DIST- HAILAKANDI (ASSAM)
PIN-788155

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

2:CNI
ASSAM
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR
CENTRAL BUREAU OF INVESTIGATION

Advocate for : MR. A ROSHID
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3340/2024

NURUJJAMAN CHOUDHURY @ NURUJJAMAN CHOUDHURY
S/OLT. IDRIS ALI CHOUDHURY
VILL AND P.O. PANCHGRAM
DIST. HAILAKANDI
ASSAM

VERSUS

THE STATE OF ASSAM

TO BE REP. BY THE PP
ASSAM

Advocate for : MR. N H BARBHUIYA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

Date of Order : 02.12.2024

(ORDER)

1. Heard Mr A Roshid, learned counsel for the petitioner, Touhida Aktar Barbhuiya, in connection with Bail Application No. 3103/2024, for the petitioner, Sahab Uddin Mazumdar, in connection with Bail Application No. 3300/2024, Mr M J Quadir, learned counsel for the petitioner, Riajul Islam Mazumder, in connection with Bail Application No. 3222/2024 and Mr N H Barbuiya, learned counsel for the petitioner, Nurujjaman Choudhury @ Nurujaman Choudhury, in connection with Bail Application No. 3340/2024.
2. The petitioners, Touhida Aktar Barbhuiya, Sahab Uddin Mazumdar, Riajul Islam Mazumder and Nurujjaman Choudhury @ Nurujaman Choudhury, have filed the aforementioned bail applications under Section 483 of the BNSS, 2023, with prayer for bail in connection with Hailakandi PS Case No. 201/2024, under Sections 406/420/34 of the Indian Penal Code, 1860, read with Sections 21(3)/22/23 of the Banning of Unregulated Deposit

Scheme Act, 2019, as they are behind bars since 03.09.2024, 03.09.2024, 02.09.2024 and 02.09.2024, respectively.

3. Learned Special Public Prosecutor, Mr M Haloi, has raised serious objection stating that the petitioners being the employees of Singhania Fintech Agribusiness Consortium Limited, Hailakandi, pressurized the agents to collect Rs. 2,000/- from the public to disburse loan to the public worth Rs. 25,000/-.

4. Learned Special Public Prosecutor, Mr M Haloi, has also raised objection stating that the petitioner, Touhida Aktar Barbhuiya and Riajul Islam Mazumder were GP Coordinators of the aforementioned Company, and were complicit. Sahab Uddin Mazumder is also complicit and so is Nurujjaman Choudhury. It is submitted that he was the Block Coordinator of Singhania Fintech Agribusiness Consortium Limited, and overt act has been attributed to him.

5. Learned Special Public Prosecutor has raised objection stating that this is an economic offence and investigation will be adversely affected if the petitioners are admitted to bail.

6. The FIR unfolds that in the month of April, 2024, a lady named Doli Bhowmik, went to the informant's house and apprised her that the aforementioned Company was providing loan of Rs. 25,000/-, in lieu of deposit of Rs. 2,000/-. On 01.05.2024, Dolly Bhowmik again went to the informant's house and received Rs. 2,000/- along with documents, such as, Pan Card, Aadhar Card, Voter ID card, Bank Passbook and Passport size photographs etc. and got the informant's signatures affixed on some documents. After about 15/20 days, the informant called Dolly Bhowmik over phone and asked her about the loan, but there was no response from her side. No loan was also credited to her account. There were several communications

between Dolly Bhowmik and the informant. Later, the Police raided the office of the aforementioned Company, i.e, Singhania Fintech Agribusiness Consortium Limited, Hailakandi, and seized some documents and other incriminating materials and detained the office bearers. Then the informant learnt that the Company is a shell company and all the employees were involved in misappropriation of funds deposited by the Public. The Company was not recognized by RBI and did not follow any norms under the SEBI guidelines and did not have NBFC.

7. Case Diary reveals that evidence of several witnesses have been recorded. Investigation has progressed substantially.

8. It appears that further custodial detention may not be required for the progress of investigation.

9. The petitioners have pledged to abide by any stringent bail conditions, if imposed upon them.

10. Considering all aspects, I deem it appropriate to grant bail to the petitioners. The petitioners, Touhida Aktar Barbhuiya, Sahab Uddin Mazumdar, Riajul Islam Mazumder and Nurujjaman Choudhury @ Nurujaman Choudhury are enlarged 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, Hailakandi, under the conditions that-

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

11. On breach of any of the bail conditions, the learned jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioners.
12. The Bail Applications stand disposed of.
13. Send back the Case Diary.

JUDGE

Comparing Assistant