

GAHC010225612024



2024:GAU-AS:11784

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

Case No. : AB/2886/2024

FRANCIS BARMAN
S/O SRI UTPAL CH. BARMAN, R/O HOUSE NO 51, NAMGHAR ROAD,
BAPUJI NAGAR, SILPUKHURI, GUWAHATI, P.S.-CHANDMARI, PIN-781003,
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S P SHARMA, K AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

27.11.2024

1. Heard Mr. S. P. Sharma, learned counsel for the petitioner Francis Barman.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is

apprehending arrest in connection with Cyber Crime P.S. Case No. 22/2024 under Sections 468/420/406 of the IPC.

3. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.

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

5. It is submitted on behalf of the petitioner that the petitioner deserves bail on the ground of parity as co-accused have been enlarged on bail by this Court as well as by the learned Sessions Judge. The petitioner has also prayed for bail on the ground that he has not been named in the FIR. The petitioner is willing to cooperate with the investigation and if protected by an order of interim bail, he may appear before the Investigating Officer and cooperate with the investigation.

6. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.

7. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.

8. The FIR unfolds that in the month of December, 2023, Bablu Das called the informant and asked him to open a Bank account at Federal Bank, Christian Basti Branch, and after that Bablu Das took the informant along with him to the

Bank and fraudulently got his signatures affixed for creating a Bank account. After starting a Bank account, Bablu Das collected his passbook, cheque book, ATM card. When the informant asked Bablu Das to return his passbook, cheque book and ATM, Bablu Das informed him that he would use his passbook, cheque book and ATM card for sometime, but Bablu Das failed to return the same. Later, the informant learnt that his aforementioned account has been fraudulently misused for multiple/illegal transactions.

9. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner, as it appears that investigation may be adversely affected, if the petitioner is granted anticipatory bail.

10. Hence, Petition stands rejected at this stage.

11. Send back the Case Diary.

JUDGE

Comparing Assistant