

GAHC010230722024



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

Case No. : AB/2904/2024

CHINKU BASUMATARY
S/O SRI UMESH BASUMATARY, R/O VILL- JOPADONG, P.S.-BARBARI, DIST-
BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S ISLAM, A R MONDAL, MR S GOGOI

Advocate for the Respondent : PP, ASSAM, SC, CBI

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 06.12.2024

Heard Mr. S.Islam, learned counsel for the petitioner and Mr. M.Haloi,
learned Standing Counsel, CBI.

By filing this petition under Section 482 of the Bharatiya Nagarik Suraksha
Sanhita, 2023, the petitioner, namely, **Chinku Basumatary** has prayed for
granting pre-arrest bail, apprehending arrest in connection with **Dibrugarh**

P.S. Case No. 354/2024 under Section 316(2), 318(4) of BNS, 2023 r/w Section 21, 23 of Banning of Unregulated Deposit Schemes Act, 2019.

It is submitted by the learned counsel for the petitioner that the petitioner is a Government servant, serving as Pointsman 'B' in Railway Department and is no way involved in the alleged offence as stated in the FIR and his name is also not mentioned in the FIR. It is also submitted that the petitioner has invested in the company named Trading FX by taking a membership of Rs.400/- per year and his total investment in the said Company is Rs.1,50,000/-. There is an apprehension that if the petitioner appears before the investigating officer, he may be arrested. Considering the background of the case and the nature of the offence, benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. Haloi, learned Standing CBI, has vehemently objected to the prayer of the petitioner by stating that the petitioner is very much involved in the alleged offence and there is sufficient incriminating materials found in the case diary against the petitioner. It is also submitted that he facilitated the fraudulent scheme by managing accounts used for handling investors' funds and he was receiving and transferring the investors' funds as part of the fraudulent operations. Considering the nature of the offence, custodial interrogation of the petitioner is required.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Case diary shows that the petitioner played a significant role in the North East in operating the Trading FX fraud. Till date, sufficient incriminating materials have been collected against the petitioner. The investigation is still under progress.

Considering the fact as well as background of the case, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner at this stage of investigation. Hence, prayer for pre- arrest bail is rejected.

The pre-arrest bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant