

GAHC010246832024



2024:GAU-AS:13039

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

Case No. : AB/3063/2024

SMTI RUMILA DAIMARI
W/O NAMAL DAIMARI,
RESIDENT OF MITHAAM BANGALI PS DHEKIAJULI, DIST SONITPUR,
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R BARUAH,

Advocate for the Respondent : PP, ASSAM, MR M HALOI, SC, CBI

Linked Case : I.A.(Crl.)/1199/2024

SMTI RUMILA DAIMARI
W/O NAMAL DAIMARI
RESIDENT OF MITHAAM BANGALI PS DHEKIAJULI
DIST SONITPUR
ASSAM

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION (CBI)

REP BY ITS STANDING COUNSEL
SPECIAL PP
CBI

Advocate for : RAJIB BARUAH
Advocate for : SC
CBI appearing for THE CENTRAL BUREAU OF INVESTIGATION (CBI)

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20/12/2024

Heard Mr. R. Baruah, learned counsel for the petitioner and Mr. M. Haloi, learned Special Public Prosecutor, CBI for the respondent.

2. Apprehending arrest, the petitioner, **Smti. Rumila Daimari**, wife of Namal Daimari, resident of Mithaam Bangali, Police Station-Dhekiajuli, District-Sonitpur has filed this application under Section 482 BNSS, 2023 on 20.11.2024, praying for her pre-arrest bail in Missamari Police Station Case No. 90/2024 registered under Sections 316(2)/318(4) BNS, 2023 read with Sections 21(1)/21(2)/21(3) of the Banning of Unregulated Deposit Schemes Act, 2019, corresponding to G.R. Case No. 1326/2024.

3. On the request of the State Government, investigation of said Missamari P.S. Case No. 90/2024 has been taken over by the CBI on approval of the Central Government and said Missamari P.S. Case has been re-registered as CBI ACB Guwahati P.S. Case No. RC0172024E0013.

4. While filing this Anticipatory Bail Application, the petitioner made the State of Assam as sole party respondent in the case. Now as the investigation of the case is being carried out by the CBI, the petitioner, therefore, by filing the connected interlocutory application has prayed for impleadment of the CBI as party respondent in this Anticipatory bail application.

5. As the petitioner and the applicant is the same & one person and as agreed by the parties, both the anticipatory bail application as well as the interlocutory application are taken up together for consideration.

6. Considering the fact that the CBI has taken over the investigation of said Missamari Police Station Case No. 90/2024, the Central Bureau of Investigation be impleaded as the respondent in this pre-arrest bail application filed by the petitioner, substituting the State of Assam. Registry shall accordingly do the needful by correcting the cause title of this pre-arrest bail application.

7. As per the FIR dated 05.09.2024 filed before the Officer-in-Charge of Missamari Police Station lodged by the complainant, the case is that about six months back, one Ajim Kha of Thekerajuli Village and Jahirul Islam of Kamarchuburi Village (Thelamara) came to his shop and told him that if Meta Force Trading App is installed by him then he can earn huge amount of money by investing on it and they forcefully installed the said app taking ₹10,000 from him, informing him further that if he could manage many people to join with the said trading app then he will be able to earn huge profit. Though, he invested money with the said trading app but did not receive any benefit and also did not receive back the principal amount that he had already invested with the said app. The complainant stated that he came to know that those two persons through the said trading app had embezzled huge amount of money from large numbers of people. The complainant also stated that he learnt that the said Meta Force Trading App is an illegal one which is neither registered with SEBI nor with the Reserve Bank of India. By the said FIR, the complainant requested the authority concerned to enquire into the matter and to take steps in accordance with law. The said FIR has been accordingly registered as Missamari P.S. Case No. 90/2024.

8. Petitioner contended that she is neither an FIR named accused nor she is involved in any illegal act, but police personnel from Missamari Police Station is visiting her house in search of her. On enquiry, she could come to know that police is looking for her in said Missamari P.S. Case No. 90/2024. She also stated that police searched her residence at night, in search of her and the authority is trying to frame her illegally in the case on the basis of surmises.

9. Petitioner also contended that she is a poor lady taking care of her family and that her husband is working outside the state, her minor son is physically indisposed and his brain surgery was done few months back and his further treatment is going on. For such, he cannot stand

tension, trauma, mental torture, etc., and if at this stage she is taken into custody in said Missamari P.S. Case, she and her family will suffer irreparable loss.

10. As she is a permanent resident of the locality and being a local person, the petitioner submitted that there is no possibility of her absconding from the same place. As such, she submitted that she should be considered for her anticipatory bail in said Missamari P.S. Case No. 90/2024 submitting further that she will abide by any terms and conditions that may be imposed upon her by the Court on consideration of granting her bail in the case.

11. Respondent CBI filed its objection in granting pre-arrest bail to the petitioner in said Missamari P.S. Case No. 90/2024. CBI stated that the FIR named accused persons of the case, namely, Ajim Kha of Thekerajuli Village was arrested on 06.09.2024 and Jahirul Islam of Kamarchuburi Village was arrested on 09.09.2024 in the case. It is also stated by the CBI that in the said CBI Case against those Ajim Kha and Jahirul Islam, CBI has already submitted its charge-sheet keeping further investigation of the case open in respect of other accused persons involved in it.

12. Mr. Haloi, learned Special Public Prosecutor, CBI also placed the up-to-date case diary of the case. From the case diary, Mr. Haloi placed that it is the petitioner and another introduced the said Meta Force Trading App to the arrested accused persons of the case, Ajim Kha and Jahirul Islam in her house and further, at the instance of the petitioner, those and others have joined the said Meta Force Trading App and invested their money on it. Case diary also reveals that the petitioner was soliciting deposits/investments from the general public for their investments in the said Meta Force Trading App, an unregulated deposit schemes.

13. Case diary reveals sufficient incriminating materials pertaining to the involvement of the petitioner in the alleged crime.

14. Considering the same and that investigation of the case with regard to the other accused persons involved in it are still going on, this Court is of the opinion that it is not a fit case to grant pre-arrest bail to the petitioner, named above.

15. For the reasons above, this pre-arrest bail application of the petitioner, namely, **Smti. Rumila Daimari**, wife of Namal Daimari, in said CBI ACB Guwahati Case No. RC0172024E0013 arising out of Missamari Police Station Case No. 90/2024 stands rejected.

16. The connected interlocutory application filed by the petitioner as applicant in this pre-arrest bail application, being I.A.(Crl.) No. 1199/2024 stands disposed of as observed in paragraph No. 6 above.

17. Return the case diary herewith to the CBI.

JUDGE

Comparing Assistant