

GAHC010248932024



2024:GAU-AS:13021

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

Case No. : Bail Appln./3585/2024

SANJAY PEGU AND ANR
S/O- LABAN PEGU,
PERMANENT R/O- MADHUPUR NEPALI GAON,
P.O- MADHUPUR NEPALI GAON, P.S-BARBARUAH, DIST-DIBRUGARH,
ASSAM

2: DEVIT PEGU
S/O- LABAN PEGU

PERMANENT R/O- MADHUPUR NEPALI GAON

P.O- MADHUPUR NEPALI GAON
P.S-BARBARUAH
DIST-DIBRUGARH
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR BABUL ISLAM, MR. S MILI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

20-12-2024

Heard Mr. S. Mili, learned counsel for the petitioners and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 BNSS, 2023, the petitioners, namely, **(1) Shri Sanjay Pegu**, and **(2) Shri Devit Pegu**, sons of Shri Laban Pegu, both resident of Madhupur Nepali Gaon, Police Station- Barbaruah, District-Dibrugarh are seeking bail in **Barbaruah Police Station Case No. 86/2024** corresponding to G.R. No. 1087/2024 registered under Sections 316(5)/318(4)/61(2) of the BNS, read with Sections 21(1)/21(2)/21(3)/23 of the Banning of Unregulated Deposit Schemes Act, 2019 wherein they were arrested on 22.09.2024 and are in custody since then.

3. As per the FIR dated 19.09.2024 lodged before the Officer-in-Charge of Barbaruah Police Station the case is that the complainants, residents of Garudhariya Madhupur area under Barbaruah Police Station were attached with DAAI App since June, 2024 and joined the said App having faith on the petitioner No.1, who introduced the said App to them. In the said App, they invested about Rs.1 Crore. Since 19.07.2024 they did not receive any amount

invested by them and since 26.07.2024 all their investments in said DAAI App have been removed. It is the petitioner No.1 who brought the said DAAI App to upper Assam and introduced the said app to numbers of simple villagers inducing them to invest in the same and thereby had taken away huge amount of money. Accordingly, Barbaruah P.S. Case No. 86/2024 corresponding to G.R. No. 1087/2024 under Sections 316(5)/318(4)/61(2) of the BNS, read with Sections 21(1)/21(2)/21(3)/23 of the Banning of Unregulated Deposit Schemes Act, 2019 was registered.

4. It is stated that the petitioner No.1 is serving in Missionary English Academy and have been wrongly implicated in the case by the complainants submitting further that the complainants on their own invested money in the said App.

5. Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

6. It is seen that the petitioner No.1 with his brother petitioner No.2 introduced the said App to the residents of village Garudhariya Madhupur area under Barbaruah Police Station and the case diary indicates that they receive certain amounts in their accounts from some unknown sources occasionally.

7. On instruction of the Investigating Officer of said Barbaruah P.S. Case No. 86/2024, Mr. Goswami, learned Addl. PP submitted that Charge-Sheet in said Barbaruah P.S. Case No. 86/2024 is yet to be submitted. However, Mr. Goswami, learned APP objected to the bail prayer of the petitioners considering their involvement in the case.

8. Since their arrest on 22.09.2024, the petitioners are already in custody for about 88 days as on date, tomorrow is Saturday and day after being Sunday,

there is no possibility of the authorities concerned to file the charge-sheet in the case, moreover, when the case diary is available with the Public Prosecutor and on 23.12.2024 the petitioners will be in custody for more than 91 days and by the said time they shall already complete their statutory period of detention.

9. Accordingly, the petitioners, namely, **(1) Shri Sanjay Pegu**, and **(2) Shri Devit Pegu**, sons of Shri Laban Pegu, are granted default bail in said **Barbaruah P.S. Case No. 86/2024** on furnishing a bail bond of Rs. 1,00,000/- each, with two local sureties each of the like amount, one of which shall be Government employee, either State Government or Central Government, to the satisfaction of the learned Sessions Judge, Dibrugarh on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said **Barbaruah P.S. Case No. 86/2024** twice in a week, i.e., on every Monday and Thursday, for the next 3 (three) English Calendar months commencing from 31.12.2024 or till filing of the charge-sheet in the case, whichever is earlier and thereafter as and when they are required in the said case; **(ii)** shall not leave the territorial jurisdiction of the **Barbaruah** Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation or tamper with the evidence of the case; **(iv)** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and **(v)** shall not indulge themselves in any such criminal activities, failing which, the bail granted to them in said **Barbaruah P.S. Case No. 86/2024** shall stand automatically vacated and further.

10. Any violation of the aforesaid terms and conditions by the petitioners, namely, **(i) Shri Sanjay Pegu**, and **(ii) Shri Devit Pegu** sons of Shri Laban

Pegu, the bail granted to them in the aforementioned **Barbaruah P.S. Case No. 86/2024** shall stand automatically vacated.

11. Bail application stands allowed to the extent above.

12. Return the case diary.

JUDGE

Comparing Assistant