

GAHC010251432024



2024:GAU-AS:13048

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

Case No. : AB/3130/2024

GAUTAM DAS
S/O MADAN DS
R/O KHARGULI MALIBAGAN
P.S. LATASIL
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D K MEDHI, P BORUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

19.12.2024

Heard learned counsel, Ms P Borah, for the petitioner, Gautam Das, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Cyber Police Station Case No. 22/2024

under Sections 468/420/406 of the Indian Penal Code, 1860.

2. Heard K K Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The FIR unfolds that in the month of December, 2023, Bablu Das called the informant and approached him to open a bank account at Federal Bank, Christian Basti branch and he took the informant with him and fraudulently took the informant's signature and created a bank account without the consent of the informant. After opening his bank account, the accused Bablu Das collected his passbook, cheque book and ATM Card from the abovementioned bank and when the informant asked about his passbook, cheque book and ATM Card, the informant was apprised that Bablu Das was willing to use his passbook, cheque book and ATM Card for a few days.

4. Again after a few days, when the informant asked Bablu Das to hand over his passbook and ATM card, the same was not returned to the informant. The informant learnt that his passbook, ATM Card and cheque book etc. were used by Bablu Das for multiple transactions and many people were cheated in the same manner. Many people were also involved in this scam in an organized manner.

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

6. It is submitted on behalf of the petitioner that nothing has been recovered from the petitioner's possession. The petitioner is apprehending arrest as the Police is visiting his house.

7. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner is involved in an organized crime with its tentacles spread throughout a wide area, which also includes Dubai.
8. I have also scrutinized the Case Diary.
9. Indeed, there are incriminating materials in the Case Diary against the petitioner.
10. At this juncture, there appears to be no justified ground to extend the privilege of pre-arrest bail to the petitioner.
11. Petition stands rejected, at this stage.
12. Send back the Case Diary.

JUDGE

Comparing Assistant