

GAHC010253922024



2024:GAU-AS:12765

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

Case No. : Bail Appln./3651/2024

TAIJUDDIN ALI AND ANR.
S/O ABAN ALI
VILL- BNDUGURI
P.S. KAJALGAON
DIST. CHIRANG, ASSAM

2: NIJAM UDDIN
S/O ABU BAKKAR SIDDIQUE
VILL- BANDUGURI
P.S. KAJALGAON
DIST. CHIRANG
ASSA

VERSUS

CENTRAL BUREAU OF INVESTIGATION (CBI)
REPRESENTED BY THE SC, CBI

Advocate for the Petitioner : MD S ALI, MR A HUSSAIN, MOTIUR RAHMAN, MR M RAHMAN

Advocate for the Respondent : SC, CBI,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 16.12.2024

Heard Mr. A. Hussain, learned counsel for the petitioners. Also heard Mr. M. Haloi, learned Special Public Prosecutor, CBI.

2. This is an application under Section 483 of BNSS, 2023 praying for grant of bail to the accused/petitioners, who have been arrested in connection with CBI Case No. RC 017/2024/E0020, under Sections 316(2)/318(4)/3(5) of BNS *read with* Section 21(1)/21(2)/21(3) of the Banning of Unregulated Deposit Schemes Act, added Section 409 of IPC and Section 316(5) of BNS, corresponding to Kajalgaon P.S. Case No. 87/2024, under Sections 316(2)/318(4)/3(5) of BNS *read with* Sections 21(1)/21(2)/21(3) of Banning of Unregulated Deposit Schemes Act, 2019.

3. Case Diary has been received. Perused the same. Heard both sides.

4. Mr. Hussain, learned counsel for the petitioners, submitted that the petitioner No. 1 got arrested in connection with this case on 01.10.2024 and the petitioner No. 2 was arrested on 03.10.2024 and for more than 73/74 days, both the accused/ petitioners are behind the bar and hence, considering their length of detention also, they may be enlarged on bail. Both the petitioners are also remanded for police custody and after completion of the police remand period, they were again produced before the learned Special Judge and since then, they are in judicial custody. The case was earlier registered under Kajalgaon P.S. Case No. 87/2024, under Sections 316(2)/318(4)/ 3(5) of BNS *read with* Section 21(1)/21(2)/21(3) of Banning of Unregulated Deposit Schemes Act, 2019, and subsequently it was handed over to CBI for further investigation and accordingly, the same has been re-registered as CBI Case No. RC 017/2024/E0020, dated 23.10.2024. During investigation only, on the prayer made by CBI, the learned Special Judge, CBI, Additional Court No. 1, Guwahati allowed the prayer for adding Section 409 IPC and Section 316(5) of BNS.

5. Mr. Hussain further submitted that the petitioners are totally innocent and they have been falsely implicated in this case on the basis of some false allegation brought against them. They did not have any criminal antecedent. They were running a small financial business wherein some of the persons used to deposit money, but the present accused/petitioners have not committed any such offence as alleged in the F.I.R. Further he submitted that the I.O. got sufficient time for their custodial interrogation as both the petitioners are behind the bar for more than 70 days, i.e. the petitioner No. 1 is for last 74 days and the petitioner No. 2 is behind the bar for last 72 days. All the relevant

documents are already been collected by the I.O. during investigation and there are sufficient progress in the investigation as the I.O. got sufficient time for their custodial interrogation and accordingly prayed to release both the accused/petitioners considering their length of detention. Both the accused/petitioners are the only earning member of their family and hence, further judicial custody of the petitioners will cause grave financial hardship to their family members. Both the accused/petitioners are the permanent resident of their addressed locality and they will co-operate the I.O. in further investigation of this case if they are granted with the privilege of bail.

6. Mr. Haloi, learned Standing Counsel, CBI submitted in this regard that it is not a case that the accused/petitioners have only misappropriated Rs. 72,000/- of the informant as reflected in the F.I.R., but during investigation, it revealed that they have misappropriated huge amount of money from various persons. The investigation is still under process and from the statement made by the witnesses, it is seen that the petitioners, along with others, cheated the persons and misappropriated their money which they invested in their financial company. Mr. Haloi further submitted that during investigation, some of the exhibits are already been sent to FSL for examination and the report is yet to be collected by the I.O. Further he submitted that the investigation is still under progress and hence, allowing the present accused/petitioners on bail may hamper or tamper further investigation of this case and therefore, he submitted that for the interest of fair investigation, further custodial detention of the present accused/petitioners may be required to unearth some more facts of the case.

7. Considering the submissions made by the learned counsels for both sides,

materials available in the Case Diary and the nature of offence, I find that further custodial interrogation of the accused/petitioners may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case where the privilege of bail can be extended to the accused/petitioners at this stage and accordingly, the same stands rejected.

8. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant