GAHC010201352026

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

Case No. : Bail Appln./2761/2026

SRI ABHISHEK CHOMAL
S/O-SRI PRABHU DAYAL CHOMAL, R/O-92/1, MOULANA ABUL KALAM AZAD SARANI, RUKMANI PARASMANI APARTMENT, FLAT NO. 1RF, KADAPARA, P.S-PHOOLBAGAN, DIST- HOOGHLY, WEST BANGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED P.P, ASSAM

Advocate for the Petitioner : MR. A M BORA, MR. V A CHOWDHURY,MR. D K BAIDYA,P MAZUMDAR

Advocate for the Respondent : PP, ASSAM,

:::BEFORE:::

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

Advocates:

For the petitioner : Mr. A.M. Bora, Sr. Advocate

Mr. D.K. Baidhya, Advocate

For the respondents: Mr. K.K. Das, Addl. P.P, Assam

Date on which judgment is reserved: 15.09.2026

Date of pronouncement of judgment: 17.09.2026

Whether the pronouncement is of the
Operative part of the judgment :

Whether the full judgment has been
Pronounced : Yes

Judgment & order(CAV)

Heard Mr. A.M. Bora, learned senior counsel, assisted by Mr. D.K. Baidya, learned counsel for the petitioner and K.K. Das, learned Addl. PP for the State respondent.

2. This is an application under Section 483 of BNSS, 2023 for granting bail to the petitioner namely **Sri Abhishek Chomal**, in connection with Tezpur P.S. Case No. 446/2026 (arising out of G.R. Case No. 1041/2026) registered under Section 316(2)/ 318(4)/ 336(3)/ 338/ 340(2)/ 61(2) of the BNS, 2023 read with Sections 66C/66D/72A of the Information Technology Act, 2000.

3. The allegation made in the FIR is that one Nazmul Ansari on 27.07.2026 lodged a written complaint before the Officer-in-Charge of Tezpur Police Station suspecting misuse of his biometric, fingerprint and iris scan by one Mr. Jewel Ahmed. The informant enrolled himself in a Skill India Related program of the Government of India. For the purpose of enrolment, the said Mr. Jewel Ahmed took his documents, biometric details, finger print and iris scans. Initially, the informant was told that the biometric details would be required for the purpose of registration and Aadhar/KYC verification and after completion of verification the informant would be imparting training followed by payment of stipend. However, the informant became skeptical from the factum of storing of his biometric details and use of the same for the purpose of attendance. Hence, fearing misuse of his biometric details, he lodged the FIR dated 27.07.2026. Accordingly, the police registered the Tezpur P.S. Case No. 446/2026 (Corresponding G.R. No. 1041/2026) under sections 316(2)/ 318(4)/ 336(3)/ 338/ 340(2) /61(2) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 66C/66D/72A of the Information Technology Act, 2000.

4. Learned senior counsel for the petitioner submits that the petitioner is a director of Messrs. Prudentials Infotech Limited, which participated in a tender process initiated by RailTel Corporation of India Limited and was awarded a work in connection with implementation of the PM VIKAS Scheme, and for ground level execution of the project, including mobilization of candidates, training center operations, and conduct of training, an entity called Messrs. Meliorism Skill Development, (OPC) Private Limited was engaged as its back end/ ground level execution partner.

5. It is further submitted that the petitioner had no role to play as far as the contents of the present FIR are concerned. Furthermore, the petitioner has had appeared before the I/O pursuant to notice and he cooperated with the investigation. But despite that he was arrested and has been in custody for more than 27 days now. It is also submitted that the same co-accused persons of this case have been granted pre-arrest bail by this court vide order dated 03/09/2026 in Bail Application No.2562/2026 as also in some other bail applications, orders pertaining to which have been annexed to the instant bail application.

6. Learned Additional Public Prosecutor has produced the case diary, including the bail objection submitted by the I/O.

7. Perusal of the forwarding report indicates that the I/O had sought five days police remand of the petitioner on the following grounds:-

"*1) To ascertain and verily the utilization and ultimate destination of the remaining amount out of Rs.2,13,21,442,70/-received from RailTel, after accounting for the 78,00,000/-transferred to Mellorism Skill Develkynent OPC Pvt. Ltd., and to identify the persons, entities, bank accounts and transactions through which the remaining amount was utilised or transferred.*

2) To confront the accused with the RailTel LOI, bank statements, project records, bills, vouchers and other financial documents and ascertain the actual utilisation and accounting of the project funds

3) To ascertain the circumstances and purpose of transfer of 78,00,000/- to Meliorism and establish the respective roles of Manoranjan Saha, Akber Hussain Mandal, Firoz Ahmed and other connected persons in the financial transaction and execution of the project.

4) To ascertain the role and knowledge of the accused regarding the training-centre network, mobillisation of candidates, collection and transmission of biometrics/facial data and generation of fraudulent attendance in connection with the project.

5) To ascertain whether the accused and other connected persons have links with similar fraudulent activities or financial Irregularities in other Government schemes/projects, and to Identify other connected persons, entities, training centres, bank accounts and transactions, if any, besides recovery and verification of relevant documentary, electronic and financial evidence."

8. Accordingly, the I/O was granted three days of police remand during which the petitioner was presumably thoroughly interrogated, where after, he was sent to judicial custody as no further prayer for police remand was made.

9. The bail objection submitted by the I/O, it is stated in the *inter alia* that

RailTel India sub contracted the work to Prudential Infotech headed by the present petitioner for which he received an amount of Rs.2,13,81,442/- as the first tranche and Prudential Infotech further subcontracted the implementation work to Meloriism Skill Development, notwithstanding the contractual condition requiring verification of the permissibility of such further subcontracting and the investigation is required to ascertain the role of the accused in the contractual chain, supervision of implementation, appointment/engagement of downstream entities and monitoring of training centers and attendance. It is also noted that although the accused has stated that he has no significant ground level operation and role, the same does not absolve him of responsibility and investigation is required to ascertain the extent of his knowledge, supervision, etc.

10. From the above, it appears that the I/O intends to conduct a widespread investigation into various aspects of the case which expectedly would take time, since, during the period of police and judicial custody of the petitioner for nearly a month, the investigation into the said aspects have not been done and the I/O also has not sought further custodial interrogation of the petitioner.

11. The petitioner cannot be kept detained in custody indefinitely till completion of the investigation, having regard to the nature of the allegations made in the FIR, *vis-a-vis* the role of the petitioner therein.

12. Having regard to the above, I am of the view that further detention of the petitioner is not warranted. Accordingly, the prayer for bail is allowed. It is directed that the petitioner named above shall be released on bail of Rs. 50,000/- with two sureties of like amount to the satisfaction of the learned concerned jurisdictional magistrate in connection with the aforesaid case.

13. It is further provided that the petitioner shall continue to cooperate with the investigation and shall appear before the IO as and when required or summoned.

14. Petition stands allowed and disposed of accordingly.

JUDGE

Comparing Assistant