GAHC010146272026

undefined

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

Case No. : AB/1607/2026

SRI PURUSHOTAM MURARKA
SON OF LATE MADAN GOPAL MURARKA, RESIDENT OF PARK VIEW, 23 F/NO-5A, 5TH FLOOR, NILAMANI PHUKAN PATH, CHRISTIAN BASTI, GUWAHATI, POLICE STATION- DISPUR, DISTRICT- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ARUNACHAL PRADESH
REPRESENTED BY THE PUBLIC PROSECUTOR, STATE OF ARUNACHAL PRADESH

Advocate for the Petitioner : MR. P HAZARIKA, MS. B THAKURIA,MR. H S BORAH

Advocate for the Respondent : PP, A P,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 17.07.2026

Heard Mr. P. Hazarika, learned counsel for the accused applicant and Mr. A. Chandran, learned Additional Public Prosecutor for the State.

2. This is an application under Section 482 of the BNSS, 2023 praying for

grant of pre-arrest bail to the accused applicant in connection with Banderdewa P.S. Case No. 32/2026 under Section 112/316(5)/318(4)/319(2)/336(3)/341(1)(2) of the BNS, 2023.

3. The gist of the facts is that on 05.06.2026, one *Sri Rajesh Agarwal*, a resident of Banderdewa, Papum Pare District, Arunachal Pradesh, lodged an ejahar before the Officer-in-Charge, Banderdewa Police Station, against the FIR-named accused persons alleging, *inter alia*, that the FIR-named accused, namely, *Sri Rishiraj Borkotoky* and his wife, *Shrutimala Borkotoky*, in furtherance of a deliberate, premeditated and well-orchestrated criminal conspiracy, along with other FIR-named accused persons, cheated and defrauded the complainant and his firm of an amount of Rs. 34,33,34,373/- (Rupees thirty-four crores thirty-three lakhs thirty-four thousand three hundred and seventy-three); that *Sri Rishiraj Borkotoky* approached the informant during the year 2021 with a proposal for establishing an Extra Neutral Alcohol (ENA) manufacturing project through a joint venture arrangement; that the aforesaid accused person presented himself as a financially sound person having close proximity with highly placed Government authorities, including the Chief Minister of Assam, and produced photographs purportedly depicting his association with influential persons; that the accused allegedly assured the complainant that he possessed the necessary influence and resources to facilitate approvals and ensure the successful implementation of the proposed ENA project; that, believing such representations, the complainant initially transferred funds to the accused for the proposed business venture and that, over a period extending from 2021 to 2026, the accused allegedly continued to induce the complainant to transfer large sums of money on various pretexts, including the release of blocked Government funds, project requirements, urgent business commitments and

other financial necessities.

3.1. It is also alleged that whenever the accused was called upon to invest his share or demonstrate his financial capability, he used to produce various purported Government documents claiming that substantial funds due to him were under process of release by Government authorities; that the documents allegedly supplied to the complainant included communications purportedly issued by the Department of Revenue, Government of India and documents allegedly issued by the Office of the Cabinet Secretary, Government of India, regarding the release of assets and funds; that the complainant suspects that the said documents are forged and fabricated and were used solely to induce him to make payments to the accused person; that the accused provided a mobile phone number which was represented to belong to the Chief Minister of Assam and that, through WhatsApp messages and telephonic conversations, repeated assurances were given regarding the release of funds, Government support and the successful execution of the project; that the identity and voice of the public functionary were impersonated or digitally manipulated in order to deceive the complainant.

3.2. It is further alleged that, relying upon such representations, assurances and communications, the complainant transferred huge sums of money from his personal bank account as well as from the account of *M/s Premium Bonded Warehouse* to the bank account of *Sri Rishiraj Borkotoky* maintained with ICICI Bank, Zoo Road Branch, Guwahati; that a total amount of Rs. 18,31,23,083/- was transferred from the complainant's personal account and Rs. 16,02,11,290/- from the account of *M/s Premium Bonded Warehouse*, aggregating to approximately Rs. 34,33,34,373/-; that apart from bank transfers, certain payments were made in cash and through other channels on the instructions of the accused and his associates and that the funds were dishonestly diverted and misappropriated by the accused persons; that, upon demanding the return of the money or seeking clarification regarding the status of the project and investments, the accused started avoiding communications and evading meetings.

3.3. It is further alleged that, after receiving the money, the accused persons transferred and diverted the same into multiple bank accounts belonging to their associates and family members and utilised the funds for personal enrichment and acquisition of assets. The complainant has also alleged that the accused threatened him with dire consequences in the event he took any legal action for recovery of the money. The complainant expressed apprehension that the accused persons, being financially resourceful and influential, may tamper with evidence, influence witnesses, or cause harm to him and his family with the intention of pressurising him and obstructing the legal proceedings. Therefore, the complainant prayed for immediate registration of a case against the accused persons for commission of offences under the appropriate provisions of law and also prayed for necessary steps to prevent the accused from absconding from justice.

4. On receipt of the aforesaid ejahar, the Officer- in-Charge of Banderdewa Police Station registered the case being Banderdewa Police Station Case No. 32/2026 under the aforementioned Sections.

5. It is submitted that the accused applicant is an FIR named accused in the aforesaid case and has a genuine apprehension that he may be arrested in connection therewith, as the allegations made in the instant FIR disclose cognizable and non-bailable offences. It is further stated that the police officials of Banderdewa Police Station have visited his residence and office in search of

the accused applicant in connection with the aforesaid case.

6. Mr. Hazarika, learned counsel for the accused applicant, submits that the accused applicant has been issued a notice under Section 35(3) of the BNSS, directing him to appear before the Investigating Authority of the State of Arunachal Pradesh on 18.07.2026. He submits that the accused applicant is a reputed businessman of the State of Assam engaged in the steel business. Although the accused applicant is a named accused in the FIR, there is no specific allegation against him.

7. Mr. Hazarika, learned counsel further submits that the prime accused in the instant case, namely, *Sri Rishiraj Borkotoky* and his wife, *Smti. Shrutimala Dutta*, have already been granted bail. He further submits that two other persons, apprehending their arrest in connection with the instant case, have also been granted bail by this Court vide orders dated 16.07.2026 passed in AB/1578/2026 and AB/1589/2026 respectively. He submits that the accused applicant is a responsible citizen and shall cooperate with the investigation, therefore, custodial detention of the accused applicant may not be required at this stage, as he is innocent and is in no way linked to the offence alleged in the FIR. However, learned counsel submits that the accused applicant is associated with the prime accused in certain other business activities.

8. Mr. Chandran, learned Additional Public Prosecutor for the State, submits that he has not received any instructions in the instant case and therefore, prays for listing of the matter before the Gauhati High Court, Itanagar Permanent Bench, in the next week. He submits that the prayer of the accused applicant for anticipatory bail may be considered on the date fixed by this Court before the Gauhati High Court, Itanagar Permanent Bench.

9. Taking into account the submissions made by the learned counsel appearing for the parties, this Court is of the view that some interim protection can be granted to the accused applicant at this stage.

10. Accordingly, the accused applicant shall appear before the Investigating Authority of the State of Arunachal Pradesh on **20.07.2026** and cooperate with the investigation.

11. In the event of arrest of the accused applicant by the Investigating Authority of the State of Arunachal Pradesh, he shall be released on pre-arrest bail on furnishing a bail bond of Rs. 50,000/- (Rupees Fifty Thousand) to the satisfaction of the arresting authority.

12. Let this matter be listed before the Gauhati High Court, Itanagar Permanent Bench, on **22.07.2026**. On that day, the interim protection granted herein shall be considered again by the appropriate Bench.

13. Registry is directed to send the records of the instant case to the Gauhati High Court, Itanagar Permanent Bench, forthwith.

JUDGE

Comparing Assistant