

GAHC010001862023



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

Case No. : Bail Appln./47/2023

JAGAT CHANDRA NATH
S/O LATE NARAYAN NATH, VILL-PANINDRA ROAD, W/NO-3, NORTH
LAKHIMPUR, P.S.-NORTH LAKHIMPUR, DIST-LAKHIMPUR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A KHANIKAR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE MALASRI NANDI

ORDER

02.02.2023

Heard Mr A Khanikar, learned counsel for the petitioners and Mr B Sarma, learned Additional Public Prosecutor for the State of Assam.

2. By filing this application under Section 439 CrPC, the petitioner, Jagat Chandra Nath, who was arrested on 17.12.2022, in connection with ACB PS Case No. 57 of 2022, under Section 7 (A) of the PC Act, 1988, has prayed for releasing him on bail.

3. The brief facts of the case is that the FIR has been lodged before the Vigilance and

Anti-Corruption, Guwahati (in short, 'ACB'), stating *inter alia*, that on 16.12.2022, the informant approached the petitioner for withdrawal of NPS advance from his NPS Account at the office of the Treasury Officer, Bihpuria in the Lakhimpur District and then the petitioner demanded illegal gratification of Rs. 3,000/- (Rupees Three Thousand) only from the informant for doing official work.

4. On receipt of the complaint, a case was registered vide ACB Case No. 57 of 2022, under Section 7 (a) of the PC Act, 1988.

5. Learned counsel for the petitioner has submitted that the petitioner is the only bread earner of the family and he has an old-aged mother of 70 years, who has been suffering from various ailments and he being the only son, has to take care of his mother. It is further submitted that only an amount of Rs. 3,000/- has been demanded by the petitioner, but for the offence committed by him, he has been detained in custody for more than 40 days.

6. Per contra, learned Additional Public Prosecutor has submitted that on perusal of the Case Diary, it reveals that the petitioner has demanded an amount of Rs. 3,000/- from the informant and as the alleged offence against the petitioner is made out, bail may not be granted to him.

7. I have considered the submissions made by the learned counsel for both the parties. I have also perused the Case Diary, which has been received today.

8. It appears from the record that the petitioner was arrested on 17.12.2022 and he has been detained in custody for more than 45 days.

8. Considering the period of detention as well as the family background, the bail prayer of the accused/petitioner is allowed. Accordingly, it is hereby directed that the petitioner, namely, Jagat Chandra Nath, shall be released on bail on his furnishing bail bonds of Rs. 20,000/- with one surety of the like amount to the satisfaction of the learned Special Judge, Assam, in connection with the aforesaid case.

9. Send back the Case Diary.
10. With the aforesaid directions, this Bail Application stands disposed of.

JUDGE

Comparing Assistant