

GAHC010038752023



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

Case No. : Bail Appln./622/2023

LACHIT BORA @ BORAH
S/O LT. KAMALA KANTA BORA, PUB JANGALPARA LICHUBAGAN P.O.
BORJALA P.S TANGLA DIST. UDALGURI BTR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24.02.2023

Heard Mr. N. Mahajan, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State.

The petitioner, who was arrested on 04.02.2023, is seeking regular bail

under section 439 Cr.P.C. in connection with ACB P.S. Case No. 02/2023 under sections 7(a) of the Prevention of Corruption Act.

The learned APP has opposed the prayer for bail.

It appears from the contents of the verification report dated 03.02.2023 by the concerned I.O. as well as the forwarding report dated 04.02.2023 that there are sufficient incriminating materials to indicate that the petitioner was demanding a bribe of Rs.4,000/- from the complainant and an audio recording of 47.19 minute was made and verified by the competent authority, which confirms that the petitioner was seeking a bribe of Rs.4,000/- from the complainant.

Although the Court finds that there are sufficient incriminating materials against the petitioner, but considering the submission made by the learned counsel for the petitioner that the petitioner is a government employee, chances of the petitioner of absconding after grant of bail is least, the Court is of the considered opinion that further custodial interrogation of the petitioner is not warranted. Hence, the Court is inclined to grant bail to the petitioner, namely, Sri Lachit Bora @ Borah in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- with one suitable surety of like amount to the satisfaction of the learned Special Judge, Guwahati.

The bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case

so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear before the I/O within 7 (seven) days from the date of his release and without fail, he shall continue to appear once in a month till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

In the event the I.O. finds that the petitioner has made any attempt to contact or try to influence the complainant, it would be open to him to move the jurisdictional Court and apply for cancellation of bail.

This application stands disposed of.

JUDGE

Comparing Assistant