

GAHC010097252023



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

Case No. : Bail Appln./1634/2023

MD. SARIFUL HAQUE
S/O ABDUL SUBHAN
VILL- PANGPANI
P.O. MANSIRI, P.S. TEZPUR
DIST. SONITPUR, ASSAM
PIN-784105

VERSUS

THE STATE OF ASSAM
REP. BY ITS PP, ASSAM

Advocate for the Petitioner : MR. L GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

12.05.2023

Heard Mr. L. Gogoi, learned counsel appearing for the accused petitioner as well as Mr. R.J. Baruah, learned Addl. Public Prosecutor, Assam appearing for the state respondent.

By this second petition under Section 439 Cr.P.C., the accused-petitioner, namely **Md. Sariful Haque (20 years)** has prayed for grant of bail in connection with **CID P.S. Case No. 3/2023 (G.R. Case No. 1811/2023)** u/s **120B/420/427/409** of the IPC read with Section **66B** of the I.T. Act, 2000.

The case diary is placed before the Court.

It may be mentioned that the earlier bail application of the accused petitioner being Bail Appln. No.1305/2023 was rejected by this Court vide order, dated 21.04.2023.

The brief facts of the case are that on 12.03.2023, complainant one Nayan Jyoti Sarmah, Controller of Examinations, Board of Secondary Education (SEBA), Assam lodged an FIR before the Officer-in-Charge of CID P.S., Assam through the Addl. D.G.P., CID, Assam alleging, *inter-alia*, that a news had appeared regarding leakage of handwritten model question paper of HSLC examination of General Science (C3) subject, which was scheduled to be held on 13th of March, 2023 (Monday) and available in the hands of some candidates. It was also alleged that the said question paper was circulated through social media platform. After examination of the hand written question paper by the concerned authority the contents of the same was found to be similar to the question paper prepared by SEBA for which the examination of the subject General Science had to be cancelled.

It is noticed that the accused petitioner has been in judicial custody since 16.03.2023, that is, for 58 days.

Perusal of the case diary indicates that the accused petitioner who was neither a

student nor appeared in the HSLC Examination, 2023, had intentionally got involved in the leakage of question paper in association with the other prime accused persons for pecuniary benefit. The case diary clearly shows that the present accused received handwritten leaked question paper of General Science subject from the arrested co-accused person, namely Hira Nath Doley and thereafter, transmitted the same to the candidates using his own mobile phone. The investigation has substantially progressed in respect of the complicity of the accused petitioner in the commission of the alleged offences.

Some co-accused persons are already released on bail.

Considering the length of detention and substantial progress in investigation as well as maintaining parity in order, this Court is of the opinion that further continuation of detention of the accused petitioner may not be required in the interest of the ongoing investigation into the case.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 30,000/- (Rupees Thirty Thousand) only** with one surety of like amount to the satisfaction of the learned **C.J.M., Kamrup (M) at Guwahati** subject to the following conditions-

- i) That the accused/petitioner shall cooperate with the Investigating Officer as and when required;
- ii) That the accused/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 the Police Officer or the Court; and
- iii) That the accused/petitioner shall refrain from committing any

offences similar to the one of which he is accused.

Breach of any of the above conditions shall render cancellation of the bail in accordance with law.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant