

GAHC010100112023



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

Case No. : Bail Appln./1676/2023

ANANDA DOLEY AND ANR
S/O LATE LONKERWAR DOLEY
VILL- LIGIRAMUKH CHANANG
P.S. PANIGAON
DIST. LAKHIMPUR, ASSAM

2: JATIN DOLEY
S/O LATE HEMADHAR DOLEY
VILL- DAFALAKATA
P.S. PANIGAON
DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
BEING REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR J PAYENG

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR
ORDER

Date : 15.05.2023

Heard Mr. J. Payeng, learned counsel appearing for the accused petitioners as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By this second petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Ananda Doley, 2. Jatin Doley**, have prayed for grant of bail in connection with **CID P.S. Case No.3/2023** under Sections **120B/420/427** of the IPC, r/w Section **66B** of the IT (A) Act and added Section **409** of the IPC. It is noticed that the accused petitioners have been in judicial custody since 22.03.2023, i.e. for 53 days.

It may be mentioned that the earlier bail application of the petitioners, being Bail Appln. No.1453/2023, 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.

Some co-accused persons are already released on bail.

Considering the length of detention and maintaining parity in order, this Court is of the opinion that further continuation of detention of the accused petitioners may not be required in the interest of the ongoing investigation into

the case.

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

- i) That the accused petitioners shall cooperate with the Investigating Officer as and when required; and
- ii) That the accused petitioners 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 petitioners shall refrain from committing any similar offences in future, of which they are suspected of commission.

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

This disposes of the bail application.

JUDGE

Comparing Assistant