

GAHC010105722023



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

Case No. : Bail Appln./1720/2023

DINESH JAISWAL
S/O LT. BACHELAL JAISWAL DIRECTOR OF M/S DINSAN GLOBAL
VENTURES PTV LTD R/O HOUSE NO 137 NATUN BAZAR BASISTHA
CHARIALI GUWAHATI 29 DIST. KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR S DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 22.05.2023

Heard Mr. S.A. Hussain, learned counsel for the petitioner. Also heard Mr. M. Phukan, learned Special P.P appearing for the State.

2. The petitioner, who was arrested on 21.10.2022, is seeking regular

bail under section 439 Cr.P.C. in connection with Vigilance P.S. Case No. 04/2022, under sections 120B/420/406/409/468/471 IPC, read with section 13(1)(a)/13(2) of Prevention of Corruption Act, 1988.

3. The case records, which are available in Bail Appln. 36/2023 and Bail Appln. 1565/2023 was called for and the same is received.

4. The learned Special P.P. has perused the same and has opposed the prayer for bail on the ground that the investigation carried out so far reveals that by showing hiring and supplying vehicles at higher rates, an exorbitant amount of money was siphoned away from the Gauhati Municipal Corporation in connection with de-silting works of drain in Guwahati city. It is submitted that fabricated weigh bridge slips were also manufactured for the purpose. It is further submitted that this racket involves large number of officials and others and that apprehension is expressed if the petitioner is released on bail, he may influence the witnesses.

5. This is the 2nd bail application in respect of the petitioner. The case records reveals that charge-sheet has been submitted on 11.01.2023 and cognizance was taken on 12.01.2023 and the trial has not yet begun. In this 2nd bail application, the petitioner has taken a plea that his mother is unwell and she is suffering from orthopedic issues relating to joint of knee, also have blunt vision and needs eye surgery and she is also undergoing psychiatric treatment as she had developed suicidal tendency depression and anxiety.

6. Although the case records reveal sufficient incriminating materials against the petitioner of conniving with others and submitting bills with fake and fabricated records, nonetheless as the petitioner has been in custody for last 213 days and the nature of offence is recorded in form of records and as

charge-sheet has already been submitted, the Court is of the considered opinion that, further custodial interrogation of the petitioner may not be necessary.

7. Hence, considering the length of detention, the Court is inclined to grant bail to the petitioner, namely, Dinesh Jaiswal in connection with the aforesaid case on furnishing bail bond of Rs.1,00,000/- (Rupees one lakh only) with two solvent surety of like amount to the satisfaction of the learned Special Judge, Assam, Guwahati. Out of the two sureties, one should offer his immovable property as security for grant of bail, having sufficient value to cover the bail amount.

8. Bail is granted on the following conditions:

I. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

II. 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.

III. The petitioner shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioner shall not misuse his liberty in any manner.

V. The petitioner shall appear before the trial Court on each and every date. If the petitioner is unable to appear before the trial Court on any particular date, he would obtain a previous order from the learned trial Court to be absent on the date fixed. However, the petitioner shall ensure that he is duly represented by his learned counsel on such date.

VI. The petitioner would submit an undertaking before the learned trial Court that he would not dispute his identity or the identity of the witnesses when the trial proceeds while he is represented by his learned counsel.

VII. In the event, the petitioner fail to appear before the learned trial Court in disregard to these conditions, it would be open for the learned trial Court to pass appropriate orders for cancellation of bail.

9. This application stands disposed of.

10. Case records of Bail Appln. 36/2023 and Bail Appln. 1565/2023 are detached.

JUDGE

Comparing Assistant