

GAHC010108592023



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

Case No. : Bail Appln./1795/2023

MRIDUL DUARI
S/O LATE RATNESWAR DUORI, R/O BYE LANE NO. 3, BISHNU NAGAR
PATH, H/NO. 12, BELTOLA, P.S.-HATIGAON, GUWAHATI-28, DIST-KAMRUP
(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

12.06.2023

Heard Mr M Nath, learned Senior Counsel, appearing on behalf of the petitioner.
Also heard Mr B Sarma, learned Additional Public Prosecutor for the State of Assam.

2. The petitioner, Sri Mridul Duari, who is in jail since 10.05.2023, has preferred this application under Section 439 CrPC, seeking bail in connection with ACB PS Case No. 33/2023, registered under Section 7 (a) of the Prevention of Corruption Act, 1988 (as amended in 2018).

3. Learned Senior Counsel for the petitioner has submitted that an allegation against the petitioner was made that the petitioner demanded an amount of Rs. 25,000/- from one contractor and subsequently, during investigation, the Police prayed for 3 (three) days' Police custody of the petitioner and an unaccounted cash amount of Rs. 10,000/- was recovered from the possession of the petitioner and the source of which could not be stated satisfactorily by him.

4. It is further submitted by the learned Senior Counsel that the accused petitioner is a Government Servant and presently, serving as an Assistant Executive Engineer (TC) Tamulpur Division (Irrigation), Tamulpur. It is further submitted that the petitioner was arrested on 10.05.2023 and since then, he has been languishing in jail and has completed 34 days in jail hazot and as such, he submits that at this stage, further custodial interrogation of the petitioner is not necessary.

4. On the other hand, learned Additional Public Prosecutor has submitted that investigation has almost completed, so further custodial interrogation of the petitioner may not be required, at this stage.

5. I have considered the submissions made by the learned counsel for both the parties. I have also perused the Case Diary as well as the documents annexed with the record.

6. In view of the above and considering the submissions made by the learned counsel for both the parties, this bail application is allowed. Accordingly, it is hereby directed that the petitioner, namely, Sri Mridul Duari, shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-Five Thousand) Only with one surety of the like amount to the satisfaction of the learned Special Judge, Assam, in connection with the aforesaid case. The bail granted to the petitioner shall be subject to following conditions:-

- (a) The petitioner shall not leave the territorial jurisdiction of learned Special Judge, Assam, without prior written permission from him;
- (b) The petitioner shall not hamper and tamper with the evidence of the case;

(c) 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 them from disclosing such facts to the Court or to any police office.

7. With the aforesaid directions, this Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant