

GAHC010154412023



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

Case No. : Bail Appln./2460/2023

RAJIB CH BORDOLOI
S/O LATE JITENDRA NATH BORDOLOI
VILL- TARA JAN KAKOTY GAON
P.O. AND P.S. JORHAT
DIST. JORHAT, ASSAM,
PIN-785001

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

25-07-2023

Heard Mr. H.R.A.Choudhury, learned Senior counsel assisted by Mr. F. U. Barbhuiya, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioner, namely, **Rajib Ch. Bordoloi**, Enforcement Inspector, Transport Department of the State is seeking bail in connection with CID Police Station Case No. 7/2023 registered under Sections 120B/420/467/468/471 IPC, corresponding to GR Case No. 3005/2023, in which he was arrested on 27.05.2023 and since then he is in custody.

This is second bail application of the petitioner in said CID P.S. Case No. 7/2023.

Earlier, the petitioner preferred a bail application being BA No. 1992/2023 in said CID P.S. Case No. 7/2023 and it was rejected by this Court on 20.06.2023 on perusal of the case diary.

On the basis of a complaint received through e-mail lodged by one District Transport Officer (Headquarter), Office of the Commissioner of Transport, Assam, Guwahati against the petitioner, Enforcement Inspector and In-charge District Transport Officer, Charaideo alleging that the petitioner with the connivance of some brokers issued large numbers of driving licences by committing irregularities and in fraudulent manner misusing and abusing his official power, CID P.S. Case No. 7/2023 was accordingly registered under Sections 120B/420/467/468/471 IPC.

Earlier the petitioner was placed under suspension and subsequently, he was arrested on 27.05.2023 in said CID P.S. Case No. 7/2023 and since then, he is in custody.

Perused the case diary placed before the Court today by Mr. Goswami, learned Additional Public Prosecutor, Assam.

Case diary reveals that the petitioner was earlier involved in a criminal case relating to issuance of fraudulent driving licences while he was serving at Dhemaji district.

Case diary also reveals that the petitioner along with some brokers issued driving licences fraudulently misusing his official power while he was serving as the Enforcement Inspector & In-charge, District Transport Officer at Charaideo.

Case diary reveals sufficient incriminating materials against the petitioner with regard to his involvement in the alleged crime of issuing fake driving licences in large numbers by taking money while discharging his duty as the Enforcement Inspector & In-charge, District Transport Officer at Charaideo.

However, considering the period of detention of the petitioner in custody since 27.05.2023,

the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said CID P.S. Case No. 7/2023. As such, this bail application of the petitioner in said CID P.S. Case is accepted.

Accordingly, the petitioner, namely, **Rajib Ch. Bordoloi** be released on bail in said CID P.S.Case No. 7/2023 registered under Sections 120B/420/467/468/471 IPC, on furnishing a bail bond of Rs.2,00,000/- with 2 (two) equal sureties of the like amount, where both should be Government Employees (either State or Central Government), to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati on conditions that the petitioner shall – (i) appear before the Investigating Officer of said CID P.S.Case No. 7/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Chief Judicial Magistrate, Kamrup (Metro), Guwahati, without obtaining prior written permission from the said authority; (iii) not hamper with the investigation, or tamper with the evidence of the case; (iv) not indulge in any similar offence or any other criminal offences in future and (v) 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/her from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid CID P.S.Case No. 7/2023 shall stand automatically vacated.

This bail application of the petitioner accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant