

GAHC010187422023



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

Case No. : Bail Appln./3003/2023

ABADAT ALI AHMED @ ABADAT ALI
S/O- LATE MOHAMMAD ALI, VILLAGE- BARJANA PART-III, P.S.
JOGIGHOPA, DIST.- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

15.09.2023

Heard Mr. P.J. Saikia, learned Sr. Counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Abadat Ali Ahmed @ Abadat Ali** has prayed for grant of bail in connection with

ACB P.S. Case No. 58/2023 under Section **7(a)** of the P.C. Act, 1988.

The case diary, as called for, is placed before the Court.

Mr. P.J. Saikia, learned Sr. Counsel appearing for the accused petitioner, submits that the accused has been in judicial custody for 35 days on a false and concocted allegation. According to Mr. Saikia, the accused has fallen prey to conspiracy as he is the UDA of Barjana High School and his wife was an Assistant Teacher in the same school till May, 2023. Mr. Saikia further submits that as the investigation may have completed on the essential legal aspects of the case, his bail application may be allowed subject to any conditions.

Mr. B. Sarma, learned Addl. P.P., submits that the accused, who is a school employee, was caught red handed while accepting illegal gratification of Rs.1600/- and the F.S.L. report is awaited. Therefore, Mr. Sarma submits that the grant of bail at the present stage of investigation may likely to hamper the ongoing investigation.

The F.I.R. reveals the allegation that the accused petitioner, who worked as an UDA at Barjana High School, demanded an amount of Rs.1600/- for transfer work of the NPS Account of the informant's wife, who earlier worked in that school and later on, posted in a new job in Kamrup district.

It is noticed that the accused petitioner has been in judicial custody since 10.08.2023, that is, for 37 days.

A perusal of the case record, *inter alia*, reveals that the accused was caught red handed while accepting gratification of tainted Rs.1600/- from the informant for the purpose of processing an office file of NPS account transfer at a hotel at Abhayapuri, Bongaigaon by the ACB, Assam trap party. The chemical solutions used is sent to the F.S.L., Assam for chemical analysis and the report is awaited. The witnesses available at the hotel are yet to be examined although necessary prescribed procedures are already undertaken by the investigating officer.

Having considered the above backdrop of facts and the evidence so far collected by the investigating officer as well as the punishment prescribed for such offence, this Court is of the considered opinion that further continuation of detention of the accused petitioner may not be required.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand) Only** with one surety of like amount to the satisfaction of learned **Special Judge, Assam, Kamrup (M), Guwahati** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- 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.

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

Return the case diary.

The bail application stands disposed of.

JUDGE

Comparing Assistant