

GAHC010266152022



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

Case No. : Bail Appln./3644/2022

ANUP BORO
S/O- SHRI GOJEN BORO, PERMANENT R/O- VILL- BHALUKDONGA, P.O.
MEDAGHAT, P.S. BARAMA, DIST.- BAKSA, B.T.A.D., ASSAM, PRESENTLY
RESIDING AT VILL- KAMAL NAGAR, NEAR ST. JOHNS HIGH SCHOOL, P.S.
BARAMA, DIST.- BAKSA, B.T.A.D., ASSAM

VERSUS

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

Advocate for the Petitioner : MR. M A MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

18.01.2023.

Heard Mr. N.J. Dutta, learned counsel for the accused. Also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

This application, under Section 439 of the Code of Criminal Procedure, is preferred by accused, namely, Sri Anup Boro, who has been languishing in jail hazoot since 09.12.2022, in connection with the ACB P.S. Case No.55/2022, under Section 7(a) of PC Act, 1988 (as amended in 2018), for granting bail.

The said case has been registered on the basis of an F.I.R., lodged by one Utpal Barman on 08.12.2022, to the effect that in connection with mutation of his name and his mother, in place of his deceased father, over a plot of land, he has filed one application before the Circle Officer, Barama Circle and thereafter, he met Lat Mandal Anup Boro and in connection with the mutation of their names, the Lat Mandal has demanded a sum of Rs.2,500/- and thereafter, again he met the Lat Mandal on 07.12.2022, in the Office of the Circle Officer and then, he demanded a sum of Rs.2,000/- and thereafter, he demanded a sum of Rs.1,500/- and as he is not willing to pay the aforesaid amount, he had recorded their conversation in a recorder and lodged an ejahar with the ACB Police Station.

Mr. N.J. Dutta, learned counsel for the accused submits that the accused was arrested on 08.12.2022, and since then, he has been languishing in jail hazoot for last 41 days and that the amount of bribe, demanded by the accused is only Rs.1,500/- and considering his period of detention, Mr. Dutta contended to allow the petition.

On the other hand, Mr. B.B. Gogoi, learned Addl. P.P., Assam has produced the case diary before this Court and submits that the I.O. has collected sufficient materials against the accused and therefore, Mr. Gogoi contended to dismiss the petition.

Having heard the submissions of learned Advocates of both sides, I have

carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. Gogoi, learned Addl. P.P., Assam.

It appears that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR against the accused and the offences are serious in nature and investigation is still going on. And considering the nature of accusation and the punishment prescribed for the same and also the stage of investigation, this Court is of the opinion that this is not a fit case where the privilege of bail can be extended to the accused and therefore, the same stands dismissed, at this stage.

The case diary be returned.

JUDGE

Comparing Assistant