

GAHC010001572024



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

Case No. : Bail Appln./58/2024

RAJESH KUMAR
S/O PAHAB SINGH
R/O DE-153,
NAI BASTI (SALLAGARH)
P.S. PALWAL
DIST. PALWAL
STATE- HARYANA
PH-9577726468

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

08.01.2024

Heard Mr. D. Medhi, learned counsel for the accused and Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, **Rajesh Kumar**, who has

been languishing in jail hazot in connection with the **Satgaon P.S. Case No. 231/2023**, under Sections 406/420 of the IPC read with Section 66[D] of the IT Act, for granting bail.

3. The aforementioned case has been registered on the basis of one FIR lodged by one Dr. Bandana Baruah, on 17.12.2023. The essence of allegations made in the FIR is that on 17.12.2023, during EMRS Examination held at Army Public School, Narangi Exam Centre, one candidate namely, Rajesh Kumar of Haryana was caught red handed by invigilator while using electronic devices i.e. Bluetooth, SIM Card and Dongle etc.

4. Mr. Medhi, learned counsel for the accused submits that the accused was arrested on 17.12.2023, and since then he has been languishing in jail hazot for last 18 days and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Sharma, learned Additional Public Prosecutor, opposed the petition by contending that there are sufficient materials in the record to show his complicity with the offence alleged.

6. Having heard the submission of learned Advocates for both sides, I have carefully gone through the petition and the materials placed on record.

7. It appears that the accused was arrested on 17.12.2023, and since then he has been languishing in the jail hajot for last 18 days. If further appears that the IO got sufficient time for investigation.

8. Balancing the period of detention with the nature of accusation and the punishment prescribed for the same, this Court is inclined to allow the petition.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/-

only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

Comparing Assistant

JUDGE