

GAHC010012362024



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

Case No. : Bail Appln./218/2024

RAJIV SAIKIA
LOT MANDAL OF NO. 1 AND LOT NO. 6 OF LALUK MOUZA, UNDER
BIHPURIA REVENUE CIRCLE, LAKHIMPUR.
S/O LATE DULAL SAIKIA
R/O VILL- NO. 1 TENGAPATHAR
P.O. RAIDANGIA
P.S. NARAYANPURI
DIST. LAKHIMPUR, ASSAM
M/NO. 70020-34964 AND 7002607587

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

23.01.2024

Heard Mr B Chowdhury, learned counsel for the petitioner, Sri Rajiv Saikia.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for

bail, as he is behind bars since 09.01.2024, in connection with ACB PS Case No. 08/2024, under Section 120(B) IPC, read with Section 7(a) of the Prevention of Corruption Act, 1988.

3. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. The learned Additional Public Prosecutor has submitted that bail petition cannot be considered without perusal of the Case Diary.

5. I have considered the submissions at the Bar.

6. It is submitted on behalf of the petitioner that notice under Section 41-A CrPC was not issued against the petitioner and, thereafter, Section 120(B) IPC, read with Section 7(a) of the Prevention of Corruption Act, 1988.

7. The allegation against the petitioner is that when the informant went to obtain sale permission for a plot of land covering Dag No. 43, Patta No. 52, measuring 1 Bigha 1 Katha 1 Lecha at Bechapati Gaon. The petitioner earlier demanded Rs. 12,000/- and, thereafter, he reduced the amount to Rs. 9,000/-. The informant was not willing to pay and then, he informed the matter to the Anti-Corruption Bureau.

8. It is submitted that an offer has been alleged, but there is no acceptance and the offence is not complete.

9. It is also submitted that the petitioner has been languishing in jail for 24 days.

10. I have considered the submissions at the Bar with circumspection.
11. I have considered the submission that further custodial detention for the progress of investigation may not be required.
12. The allegation against the petitioner is clear from the FIR.
13. I have considered the submission that the petitioner is a local resident and he is not a flight risk. The petitioner is also willing to abide by any bail conditions, if imposed upon him.
14. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/- with a suitable surety of the like amount to the satisfaction of the learned Special Judge, Assam, Guwahati, under the conditions that:-
 - i) the petitioner shall refrain from such activities with which he is alleged, and
 - ii) the petitioner shall not tamper with the evidence or try to influence the witnesses.On breach of any bail conditions, bail order shall stand cancelled.
15. Bail Application stands disposed of.

JUDGE

Comparing Assistant