

GAHC010017832024



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

Case No. : Bail Appln./259/2024

DIBYAJYOTI DEURI
VILL AND PO BARDEURIGAON, P.S. NARAYANPURI, DISTRICT
LAKHIMPUR, ASSAM, M/NO. 7896448930

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05-02-2024

Heard Mr. B. Chowdhury, learned counsel for the petitioner Dibyajyoti Deuri.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail as he is behind bars since 09.01.2024 in connection with ACB Police Station Case No. 08/2024

under Sections 120(B) of Indian Penal Code 1860, read with Section 7(a) of the Prevention of Corruption Act 1988 (as amended in 2018).

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State.

4. It is submitted on behalf of the petitioner that he is not a government servant. He was a contractual employee in Oasys Cybernetics Private Limited.

5. The learned Additional Public Prosecutor has raised objection stating that the allegation against the petitioner is that he has accepted gratification of Rs.6000/- (Rupees Six Thousand). The FIR unfolds that the informant, to purchase a plot of land, applied for permission at the office of Circle Officer, Bihpuria Revenue Circle. The informant's nephew Abdul Basit Went to meet the Lat Mandal Rajib Saikia who demanded Rs.12,000/- (Rupees Twelve Thousand) as gratification from the informant's nephew and Mr. Rajib Saikia also agreed to reduce the amount to Rs.9000/- (Rupees Nine Thousand). As the informant is not willing to pay the illegal gratification to Rajib Saikia, he lodged the FIR.

6. It is submitted on behalf of the petitioner that the petitioner is roped in, in connection with this case. His name is not mentioned in the FIR.

7. I have considered the submissions at the bar with circumspection. The petitioner has been behind bars since 09.01.2024. Case diary also reveals that investigation has progressed to a considerable extent. It appears that further detention of the petitioner may not be required for the progress of investigation. I have considered the submissions that the petitioner is a local resident and he is willing to abide by any bail conditions.

8. Considering all aspects, petition is allowed.

9. Petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/-

(Rupees Thirty Thousand) with a suitable surety of 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.*
- ii) The petitioner shall cooperate with the investigation as well as with the trial.*
- iii) The petitioner shall not tamper with the evidence.*

10. On breach of any of the bail conditions, bail order shall stand cancelled.

In the above terms this Bail Application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant