

GAHC010040342024



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

Case No. : Bail Appln./536/2024

AFTAB HUSSAIN
S/O ABUL HUSSAIN
R/O VILL-MURHATETELI
P.O. TEZPUR, P.S. TEZPUR
DIST. SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B K MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

05.03.2024

Heard Mr. A. Choudhury, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, Assam.

This is an application under Section 439 of the Code of Criminal

Procedure, 1973 for granting of regular bail to the accused petitioner, i.e. Aftab Hussain, who was shown arrested on 20.02.2024, in connection with Dhing P.S. Case No. 18/2024, registered under Section 333/353/307 of the IPC.

The case of the prosecution is that on 09.02.2024, an FIR was lodged alleging *inter-alia* that on the basis of an FIR dated 08.02.2024 lodged by one Minjuara Begum before the Jurisdictional S.P. against the accused petitioner regarding demand of bribe money amounting to Rs. 9,500/- from her for sanctioning loan etc., a trap team was constituted under the supervision of the present informant and was arrived at Dhing Town to apprehend the FIR named accused person. Thereafter, the informant as Trapped Lying Officer and other trap team members tried to catch the petitioner red-handed and he charged the petitioner for accepting bribe from the aforesaid Minjuara Begum, but the petitioner started his vehicle and fled away by knocking the informant with a view to kill him. As a result the informant got severe injury on his head and other parts of his body and one of his team members also got injury.

Accordingly, a case was registered.

Mr. A. Choudhury, learned counsel for the petitioner, submits that the petitioner was initially arrested on 09.02.2024 by the Investigating Agency in connection with ACB P.S. Case No. 16/2024, under Section 7(a) of the Prevention of Corruption Act, 1988 and produced before the learned Special Judge, Assam with a prayer for five days police custody and accordingly, the same was granted. On completion of the aforesaid police custody period, he was reproduced before the learned Special Judge, Assam on 13.02.2024 and thereafter, remanded him to judicial custody. He further submits that the petitioner is presently holding the post of Branch Manager, Assam Gramin Vikash Bank, Dhing Branch and in the said capacity he has been discharging his duty

with utmost sincerity.

He further submits that the petitioner has been falsely implicated in the alleged offence.

Mr. Das, learned Additional Public Prosecutor, on the other hand, strongly opposes the prayer for regular bail. He submits that the inquiry report and medical report as well as the MVI report are yet to be collected. However, he fairly submits that the Investigating Officer has not collected anything adverse till now against the petitioner. It further appears that the petitioner was interrogated on 20.02.2024 and thereafter, not further interrogated.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that the victim himself has lodged the FIR.

Considering that the Investigating Officer has not collected anything adverse against the petitioner till date, this court is of the considered view that further detention of the petitioner is not justified.

For the reasons set forth above, it is provided that the accused petitioner named above, shall be released on bail in connection with the above noted case, on furnishing of bail bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Nagaon, subject to the conditions that:-

- (i) the petitioners shall co-operate in the investigation and shall appear before the Investigating Officer as and when so required by the Trial Court;
- (ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from

deposing against the petitioners in the pending trial against the; and
(iii) the Trial Court may impose any additional condition if it deems fit to do so for the sake of fair trial against the petitioner.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant