

GAHC010059842024



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

Case No. : Bail Appln./839/2024

ABHIJIT KAR
S/O LATE ASHUTOSH KAR
R/O HOUSE NO. 09, GIRISH ROAD,
TARAPUR PART-I, P.O. TARAPUR
P.S. SILCHAR, PIN-788003
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR V JAMMAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

28.03.2024

Heard Mr. V. Jammam, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor, for the State respondents.

2. This is an application under Section 439 of Code of Criminal Procedure,

1973 for granting bail to the petitioner i.e. Sri Abhijit Kar, who was arrested on 05.03.2024 in connection with ACB FIR No.18/2024 dated 05.03.2024 registered under Sections 7(a) of the Prevention of Corruption Act, 1988 (as amended in 2018) registered with Vigilance and Anti-Corruption, Assam at Guwahati.

3. The case of the prosecution is that on 05.03.2024, an FIR was lodged stating inter-alia that while the informant was constructing a workshop in the subject land, the accused petitioner, who is a Field Officer/Surveyor, visited the said construction site and asked the informant to produce the NOC permission regarding the construction. It is further alleged that in connection with the aforesaid requirement of NOC permission, the accused petitioner demanded bribe from the informant.

4. Mr. V. Jammar, learned counsel for the petitioner submits that the petitioner is totally innocent and has been falsely implicated in the offence alleged. He further submits that the petitioner has been interrogated since the date of arrest and he was only interrogated during police custody and during the custody in jail, he was not interrogated.

5. Mr. D.P. Goswami, learned Additional Public Prosecutor for the State respondents on the other hand strongly opposes the prayer for bail. He further submits that from the materials on record, it appears that the accused petitioner has been caught red-handed with Rs. 15,000/-.

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

7. It appears that the investigation is at an active stage. It further appears that there are sufficient materials available in the Case Diary implicating that the accused, who is a Surveyor of the Silchar Development Authority, Silchar by

taking advantage of his position has prima-facie accepted bribe.

8. Since the investigation is at an active stage, it is imperative to unearth the truth.

9. Considering the magnitude of the offence, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, the prayer for bail of the petitioner stands rejected.

6. With the above observations and directions, the bail application stands disposed of.

JUDGE

Comparing Assistant