

GAHC010064982024



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

Case No. : Bail Appln./936/2024

DUSMANTA DAS
S/O LATE NANI GOPAL DAS
R/O VILL- DEURIPARA, P.O. BONGAIGAON, P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM, PIN-783380,

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S N TAMULI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 09.04.2024

Heard Mr. S.N. Tamuli, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by

the petitioner, namely, **Dusmanta Das**, in connection with **Bongaigaon P.S. Case No. 99/2024**(corresponding to **G.R. Case No. 171/2024**), registered under Section **7 of P.C. Act**.

The learned counsel for the petitioner submits that the FIR was lodged by Forest Officials alleging *inter alia* that the accused/petitioner has been received an amount of Rs.1,26,000/- as bribe from different persons. According to the learned counsel for the petitioner that the allegation levelled against the petitioner are false. It is further submitted that as per statement of the witnesses, it reveals that one Milton Ghosh has paid a sum of Rs.4,000/- to the petitioner for farewell program of a retired staff. It also revealed from the statement of Prabal Goswami that due to some requirement of the petitioner, he has paid Rs.60,000/- and as the petitioner and Roshan Jalil has a good relation and on his request, Roshan Jalil has paid Rs.66,000/- to the petitioner. Considering the background of the case as well as nature of the offence, bail may be granted to the petitioner.

In response, Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary. He has also submitted that the petitioner took loan from different persons due to his personal exigency.

I have considered the submissions made by the parties. I have also perused the case diary.

Considering the background of the case as well as the nature of offence, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

In view of the above, the petitioner, named above, shall be released on

bail in connection with **Bongaigaon P.S. Case No. 99/2024**(corresponding to **G.R. Case No. 171/2024**), registered under Section **7 of P.C. Act**, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned Special Judge, Assam.

The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge, Assam without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant