

GAHC010068842024



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

Case No. : Bail Appln./958/2024

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, CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. P DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

08.04.2024

Heard Mr. P. Dutta, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Addl. P.P, Assam appearing for the State respondent.

2. This is a second application under Section 439 of the Cr.P.C. for granting bail to the petitioner, namely **Abhijit Kar**, who was arrested on 05.03.2024 in connection with **ACB FIR No.18/2024 dated 05.03.2024**, registered under Section **7(a)** of the PC Act, 1988 (as amended in 2018).

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. It would be pertinent to mention that earlier by order dated 28.03.2024 passed in Bail Application No. 839/2024 this Court had rejected the bail application of the petitioner.

5. Mr. P. Dutta, learned counsel for the petitioner submits that the petitioner is suffering from medical conditions, for which he may be released on bail. He further submits that the petitioner has been languishing in jail since last 34 days.

6. Mr. M.P. Goswami, learned Addl. P.P, on the other hand, opposed the prayer for bail.

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

8. Paragraph No. 3C of the bail application is reproduced hereinbelow for ready reference:-

“The petitioner is 57 years old and is retiring in the next 2 years. Furthermore, he is suffering from Multiple Lifestyle Diseases like High Blood Pressure, Thyroid and Diabetes.”

9. It appears that the petitioner is suffering from multiple life style diseases like High Blood Pressure, Thyroid and Diabetes, which can be controlled by medicines. It appears that this Court earlier had rejected the prayer for bail considering the magnitude of the offence and other conditions. The petitioner has failed to show any change of circumstances warranting grant of bail. As such, the second bail application stands rejected.

10. The bail application stands disposed.

JUDGE

Comparing Assistant