

GAHC010079122024



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

Case No. : Bail Appln./1174/2024

DAPENDRA NATH BRAHMA
S/O SHRI LATE DHANURAM BRAHMA
R/O VILL- KAZIGAON, P.S. KAZIGAON,
DIST. KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

09.05.2024

Heard Mr. M. Biswas, learned counsel appearing for the accused petitioner as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Dapendra Nath Brahma**, has prayed for grant of bail in connection with **Assam**

Crime Branch (ACB) P.S. Case No.34/2024 under Sections 120B of IPC read with Section 7(a) of the Prevention of Corruption Act.

It is submitted by the learned counsel for the petitioner that the main accused namely, Naba Krishna Roy has already been granted bail by this Court on medical ground. It is also submitted by the learned counsel for the petitioner that the petitioner demanded Rs.3,000/- from the informant and after repeated request, the informant paid only Rs.2,000/- to the petitioner and he was caught red handed. Learned counsel for the petitioner further, submits that the accused petitioner has been languishing in judicial custody for last 36 days since his arrest on 03.04.2024. Considering the length of detention, prayer for bail may be considered.

Mr. D. P. Goswami, learned Additional Public Prosecutor has produced the case diary and submitted that though there is allegation against the petitioner but considering the length of detention bail may be granted.

In view of the submission of learned counsel for both the parties and considering the length of detention as well as the nature of accusation, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **Special Judge, Assam, Guwahati**.

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, Guwahati 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.

Case diary be returned back.

JUDGE

Comparing Assistant