

GAHC010103762024



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

Case No. : Bail Appln./1493/2024

SHOHAR ALI SIKDAR
S/O LATE HASHEM UDDIN SIKDAR
R/O VILL- TAKIMARI, BANNYGURI, P.O. JALESWAR, P.S. LAKHIPUR, DIST.
GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
THROUGH PP , ASSAM

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24.06.2024

Heard Mr. M. H. Laskar, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 praying for grant of bail to the accused /petitioner, who has been arrested on 10.05.2024 in connection with ABC P.S. Case No. 41/2024, under Section 7(a) of the Prevention of Corruption Act, 1988.

CD received, perused the same and heard both the sides.

It is submitted by Mr. M. H. Laskar, learned counsel for the petitioner, that the accused/petitioner is innocent and he is no way involved in the alleged offence. He was earlier working as a Gram Sevak since 1992 and thereafter he promoted to the post of Assistant Block Development Officer (Asst. BDO) on 01.03.2024 and since 13.03.2024, he is In-Charge of BDO and during that time, he already released 75% of the bill amount of the informant. However, he could not release the remaining 25% of the bill amount as due to non receipt of any instructions from the concerned Authority. In that regard, the informant threatened him and lodged the FIR with some false and concocted allegations against him. Further he submitted that he is behind the bars for last 45 days and thus the Investigating Officer got sufficient time for his custodial interrogation and apart from that, he has already been suspended from his service and hence, there is no chance of any hampering or tempering the witnesses or evidences so far collected by the Investigating Officer.

In this context, Mr. R. J. Baruah, learned Additional Public Prosecutor submitted that there is a clear allegation against the accused/petitioner and he demanded Rs. 3,000/- as bribe to pass the remaining 25% of the bill amount of the informant. Further he submitted that voice sample of the present petitioner

has already been recorded and the same is sent for FSL examination, but the report is yet to receive by the Investigating Officer.

After hearing the submissions made by the learned counsels for both sides and on perusal of the case record, it is seen that there are materials against the present accused/ petitioner. But during the enquiry, the voice sample has already recorded by the I.O. and sent for FSL examination and thus there found sufficient progress in the investigation of this case and hence considering this aspect of the case and also considering the length of detention already undergone by the accused/petitioner, I find it a fit case to allow the accused petitioner to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 30,000/- (Rupees thirty thousand) only with one surety of like amount, to the satisfaction of the learned Special Judge, Assam, the accused/petitioner, namely, Shohar Ali Sikdar, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the I.O. and shall make himself available for interrogation by the I.O. as and when required in connection with the aforesaid P.S. Case;
- (ii) that the petitioner 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; and

- (iii) that the petitioner shall not leave the jurisdiction of the learned Special Judge, Assam, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant