

GAHC010121802024



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

Case No. : Bail Appln./1757/2024

SWAPNA MEDHI
D/O LATE GOKUL CH. MEDHI
W/O PRANAB BORAH
R/O HOUSE NO. 05, MALIGAON,
HOUSING BOARD, P.S. JALUKBARI,
GUWAHATI, DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26.06.2024

1. Heard Mr. B. K. Mahanjan, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State Respondent.

- 2.** This application under Section 439 of the Code of Criminal Procedure, 1973, has been filed by the petitioner, namely, Swapna Medhi, who has been detained behind the bars since 07.06.2024 in connection with ACB P.S. Case No. 46/2024.
- 3.** The gist of accusation in this case is that on 06.06.2024 one Rashid Farhan had lodged an FIR before the Officer-in-Charge of the Superintendent of Police, Directorate of Vigilance & Anti-Corruption Assam, *inter-alia*, alleging that the petitioner demanded an amount of Rs.30,000/-.
- 4.** The petitioner who is the Lot Mondal of the area in which the first informant had purchased a plot of land had demanded an amount of Rs. 30,000/- as bribe for doing the mutation work.
- 5.** It appears that after the receipt of FIR a trap was laid and one Mahfujur Rahman was found accepting the bribe of Rs.10,000/- on behalf of the present petitioner.
- 6.** Learned counsel for the petitioner has submitted that as this case is a trap case conducted by the Directorate of Vigilance & Anti-Corruption Branch and as the petitioner was also taken in police custody for five days, she might not be required for further investigation.
- 7.** It is also submitted by learned counsel for the petitioner that the petitioner is suffering from ailment (bleeding per rectum) and considering the fact that she may no longer be required for investigation and also considering

her medical condition, learned counsel for the petitioner prays for allowing the petitioner to go to on bail.

8. On the other hand, learned Additional Public Prosecutor has produced the case diary of ACB P. S. Case No. 46/2024 and has submitted that though there are incriminating material against the present petitioner on the record, the investigation has fairly progressed.

9. Considering the fact that the petitioner has been arrested in a trap case and also considering the fact that the investigation has fairly progressed, further custodial detention of the present petitioner does not appear to be necessary for fair completion of the ACB P. S. Case No. 46/2024.

10. Hence the above petitioner is hereby allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Special Judge, Guwahati with the following conditions:-

- i.** That the petitioner shall cooperate in the trial and shall appear before the Trial Court as and when so directed by the Trial Court without fail;
- ii.** That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the listed witnesses or any other person/persons who may be acquainted with the facts of the case so as to dissuade such

persons from disclosing such facts during the trial.

11. With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant