

GAHC010131082024



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

Case No. : AB/1717/2024

SMT. NIJUMONI BORA
W/O PRADIP BORA, R/O BORBHETA, JAIL ROAD, P.O.-BORBHETA, P.S.-
JORHAT, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. M BISWAS, MR. S K DAS

Advocate for the Respondent : PP, ASSAM.

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

O R D E R

Date : 13.08.2024.

Heard Mr. S.K. Das, learned counsel for the petitioner and Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State.

2. This application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner in connection with Anti-Corruption Branch P.S. Case No. 48/2024 under Section 120 (B) of

IPC, read with Section 7(a) of the Prevention of Corruption Act, 1988.

3. It is submitted by the learned counsel for the petitioner, Mr. S.K. Das that the present petitioner is in no way involved in the alleged offence. The petitioner is a Grade-III employee of Office of the DFO, Jorhat Division serving as a Junior Assistant; she never accepted any bribe nor any material has been recovered from her in the alleged case, however, the police is searching her on mere suspicion. From the First Information Report (FIR), it is seen that the allegation was brought against one Range Officer, who demanded Rs.1,50,000/- (Rupees one lakh fifty thousand) only for issuance of timber license, but, the present petitioner is not at all involved in the alleged offence. However, she was issued notice under Section 41 A of Cr.P.C. and thus, there is an apprehension of arrest in connection with this case and accordingly, filed the present anticipatory bail application. She is ready and willing to co-operate with the I.O. in the further investigation of the case if she is granted with the privilege of pre-arrest bail.

4. I have considered the submissions at the bar with circumspection.

5. It is submitted on behalf of the petitioner that the petitioner has appeared before the Investigating Officer and her statement has been recorded. I have also considered the submission that the petitioner has not violated any bail conditions and that the petitioner is a local resident and the petitioner is a local resident and is not a flight risk. The petitioner is also willing to cooperate with the remaining part of investigation.

6. I have also scrutinized the Case Diary.

7. Considering all aspects, I deem it proper to allow the bail petition.

8. Accordingly, the interim order dated 28.06.2024, is hereby made absolute

under the same terms and conditions.

9. Send back the case diary forthwith.

JUDGE

Comparing Assistant