

GAHC010166592024



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

Case No. : Bail Appln./2463/2024

MANOJ ADHIKARI
S/O LATE MAHANANDA ADHIKARI, R/O VILL- TARAPUR, WARD NO. 27,
P.S.-SILCHAR, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MS. J GHOSH, MS. K L R YANTHAN, MRS. R RONGMEI

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

06/09/2024

Heard Mr. S C Biswas, learned counsel for the petitioner and Mr. R J Baruah, learned Additional Public Prosecutor, Assam for the sole opposite party.

This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely, **Manoj Adhikari**, seeking bail in connection with **Katigora P.S. Case No. 72/2024** registered under Sections 7/8 of Prevention of Corruption Act, 1988 corresponding to G.R. No. 1409/2024, wherein he was arrested on 06.08.2024 and since then he is in custody.

It is submitted that the learned Special Judge, Assam, Guwahati rejected the bail prayer of the petitioner on 09.08.2024 in said Katigora P.S. Case No. 72/2024.

Perused the case diary placed before the Court today by Mr. Baruah, learned Additional Public Prosecutor, Assam.

The petitioner is working as an LRS in the office of the Katigora Revenue Circle, District-Cachar. In a video clip that went viral and was also in the news portal by some of the TV channels of the State, the petitioner along with another, namely, Sahadat Hussain Laskar was found in exchanging money with some unknown persons. On watching the said video clip, the Assistant Settlement Officer, Katigora Revenue Circle, Cachar on 05.08.2024 submitted a written FIR against the petitioner and said Sahadat Hussain Laskar, LRA in the office of the Katigora Revenue Circle.

In pursuance of the same, said FIR was registered as Katigora P.S. Case No. 72/2024 under Sections 7/8 of Prevention of Corruption Act, 1988 and the petitioner along with said Sahadat Hussain Laskar was arrested on 06.08.2024 in connection with said Katigora P.S. Case No. 72/2024.

The note of the concerned Investigating Officer reveals that the place of occurrence where the petitioner took money though appears from the video clip to be a place inside the campus of the office of Katigora Revenue Circle but in a separate house away from the office building of Katigora Revenue Circle.

Case diary also reveals that it is yet to be ascertained as to whether the petitioner took such money for some official purpose relating to the service, which the petitioner renders in Katigora Revenue Circle.

The statements of the witnesses so far recorded by the concerned Investigating Officer also indicates that they did not see the petitioner taking money relating to any such official purpose and have come to know about the said incident only after watching the video clip that went viral.

Considering the materials in the case diary and the period of detention of the petitioner in custody since 06.08.2024, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Katigora P.S. Case No. 72/2024. As such, this bail application of the petitioner in said Katigora P.S. Case is accepted.

Accordingly, the petitioner, namely, **Manoj Adhikari**, be released on bail in said **Katigora**

P.S. Case No. 72/2024 registered under Sections 7/8 of Prevention of Corruption Act, 1988 corresponding to G.R. No. 1409/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount, both of them shall be Government Employees either Central and/or State Government, having more than five years of service tenure, to the satisfaction of the learned Special Judge, Assam, Guwahati on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Katigora P.S. Case No. 72/2024 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Katigora Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case; (iv) not indulge in any offence or any criminal activities in future and (v) not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Katigora P.S. Case No. 72/2024 shall stand automatically vacated.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant