

GAHC010168902024



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

Case No. : Bail Appln./2496/2024

RAHI RAM MANDAL
S/O LATE SUBAL MANDAL, R/O VILL- GOLMA CHOWK, P.O. AND P.S.-
UDALGURI, DIST- UDALGURI (BTAD), PIN-784509, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MR. A K DAS, MS. U NANDA, MS A DAS, MS.
K L R YANTHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

31.08.2024

1. Heard learned counsel Mr. S. C. Biswas for the petitioner Rahi Ram Mandal.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 06.08.2024 in connection with Anti-Corruption Branch Police Station Case No.

58/2024 registered under Sections 7(a) of the Prevention of Corruption Act.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that on 10.05.2024, the informant Abdul Hai's uncle, Abdul Sattar @ Sattar Ali has applied for conversion of land ad measuring 10 bighas-2 kathas-11 lechas from Aksona patta(AP) to Periodic patta(PP) under the Kalaigaon Revenue Circle of Udalguri District. The informant's aunt and father were also the joint pattadars of the same plot of land but they have passed away. The present petitioner, Mandal visited the aforementioned land in the last week of May, 2024 as per procedure. After physical verification by the Lot Mandal, the informant visited the Office of the Kalaigaon Revenue Circle in the month of June, 2024 and met the Mandal. At that time, the Mandal demand RS. 1,50,000/- as gratification but the informant was reluctant to pay the gratification. The informant visited the Office of the Mandal on several occasions but finally on 24.07.2024, the Mandal again demanded Rs. 10,000/- @ Rs 1000/- per bigha. The informant who was reluctant to pay the gratification recorded the conversation of the Mandal in his mobile phone and informed the matter to the S.P., Vigilance and Anti-Corruption, Assam. Thereafter, the informant lodged the FIR.

5. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.

6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. Investigation has progressed to a considerable extent. It appears that custodial detention may not be required for

the progress of investigation.

7. The petitioner has pledged to abide by any stringent bail conditions, if imposed upon him.

8. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the Special Judge, Guwahati, Assam under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged,
- (ii) The petitioner shall not jump the bail, and
- (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

9. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. Send back the Case Diary.

11. In terms of the above observation, Bail Application stands disposed of.

JUDGE

Comparing Assistant