

GAHC010177982024



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

Case No. : Bail Appln./2593/2024

ANIL KUMAR SEAL
S/O LATE SUCK CHARAN SEAL,
RESIDENT OF HOUSE NO. 9, HENGRABARI, GUWAHATI, PO HENGRABARI,
PS DISPUR, DIST KAMRUPM ASSAM 781036

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. A K BHUYAN, MR A SHARMA, MR J DAS, MR A TALUKDAR, MS B BORA, MR. A KHOUND, MR. M BORAH, MS. N CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 31-08-2024

Heard Mr. A.K. Bhuyan, learned Senior Counsel for the petitioner Anil Kumar Seal, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since

25.08.2024 in connection with Paltanbazar Police Station Case No. 271/2024 under Sections 420/486/471 of the Indian Penal Code, 1860.

2. It is submitted on behalf of the petitioner that the work order of the subject tender was not issued against him.

3. Heard learned Additional Public Prosecutor, Assam Mr. M.P. Goswami for the respondent State, who has raised serious objection stating that the allegation against the petitioner is that he has submitted forged documents in a tender process to illegally procure work order relating to the subject tender. He has raised serious objection against the petition as this is a serious allegation of fraudulent activities.

4. I have considered the submissions at the bar with circumspection. I have considered the submission that the subject tender is of the year 2020 whereas the FIR was lodged in the year 2024. I have considered the submission that the petitioner is willing to cooperate with the remaining part of the investigation. The petitioner has pledged to abide by any stringent bail conditions if imposed upon him. The petitioner is a local resident and he is not a flight risk.

5. Considering all aspects, petition is allowed.

6. The petitioner is 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 learned Chief Judicial Magistrate, Kamrup (M) under the conditions that :

- (i) The petitioner shall refrain from such activities with which he is alleged.
 - (ii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation.
 - (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.
7. On breach of any of the bail conditions, bail order shall automatically stand cancelled.
8. In terms of the above observation, this Bail Application stands disposed of.

JUDGE

Comparing Assistant