

GAHC010183252024



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

Case No. : Bail Appln./2681/2024

PRAVEER MOHAN VERMA
S/O LATE R.M.P. VERMA, R/O D-5, NEIST CAMPUS, JORHAT-785006, P.S.-
JORHAT, DIST- JORHAT, ASSAM

VERSUS

THE CENTRAL BUREAU OF INVSETIGATION
REPRESENTED BY SC, CBI

Advocate for the Petitioner : MR. A M BORA, FARIDUL AMIN,MS. C CHOUDHURY,MR. D K BAIDYA

Advocate for the Respondent : SC, CBI,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 17.09.2024

Heard Mr. A.M. Bora, learned Senior counsel assisted by Mr. D.K. Baidya, learned counsel for the petitioner. Also heard Mr. M. Haloi, learned Standing counsel, CBI.

2. By this application filed under section 483 of the Bharatiya Nagarik

Suraskha Sanhita, 2023, the accused petitioner namely, **Praveer Mohan Verma**, has prayed for bail in connection with **RC0172024A0004 under Section 120 (B) IPC, 61(2) of BNS, 2023, Section 7, 7A, 8, 9, 10, 12, 13(2) r/w Section 13(1) (a) of Prevention of Corruption Act, 1988 (as amended in 2018).**

3. The learned Senior Counsel for the petitioner has argued that the essential element of demand and acceptance of the bribe by the petitioner, which is critical in such cases, has not been established. The argument is based on the fact that the trap members, upon entering the petitioner's chamber, immediately confronted him with allegations of demanding and accepting a bribe of Rs. 7 lakhs. This confrontation reportedly left the petitioner bewildered, causing his face to turn pale. It is only natural for anyone to become perplexed when an investigating agency suddenly rushes into one's office chamber; however, this reaction alone cannot be used as evidence of the demand and acceptance of the bribe, especially when there are no eyewitnesses on record to establish these elements. As for the recovery of the bribe amount, the alleged accused has stated that he had no knowledge of it, as he was outside his chamber during the break hours just before the CBI team entered his office.

4. It is further submitted that the search was conducted based on undisclosed information, and there is a strong possibility that the alleged bribe amount may have been planted by a vested interest group with the intent to falsely implicate the petitioner. The petitioner is no way involved in the alleged offence as stated in the FIR. The petitioner has been detained in custody for last 51 days since his arrest on 27.07.2024. The offence as alleged against the

petitioner, the mandatory period of detention is 60 days. Considering the nature of offence as well as length of detention, the petitioner may be enlarged on bail.

In support of his submission, the learned Senior counsel for the petitioner has cited a relevant case law- Tolaram Pareek @ Aniket Pareek v. Union of India (BA No. 2436/2024)

5. Mr. Haloi, learned Standing counsel, CBI, has produced the case diary and submits that the petitioner is indeed involved in the alleged offence and there is sufficient incriminating materials found in the case diary against the petitioner. The investigation is still in progress. Considering the nature of the offence, the petitioner may not be enlarged on bail at this stage.

6. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

7. It is to be noted that the petitioner has been languishing in judicial custody for last 51 days, presuming that substantial part of investigation has been completed. Under such backdrop, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner, named above, shall be released on bail in connection with **RC-0172024A0004 under Section 120(B) of IPC, 61(2) of BNS, 2023, Section 7, 7A, 8, 9, 10, 12, 13(2) r/w Section 13(1) (a) of Prevention of Corruption Act, 1988 (as amended in 2018)**, on furnishing bail bond of **Rs.1,00,000/-** with one suitable surety of the like amount to the satisfaction of learned Special Judge, CBI, Assam.

9. The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge, CBI, Assam without prior written permission from him/her;

(b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(c) shall not hamper with the investigation, or tamper with the evidence of the case.

10. In the view of the above, the bail application stands disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant