

GAHC010190902024



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

Case No. : Bail Appln./2783/2024

PRASENJIT MANNA
S/O LATE DEBOPRASAD MANNA
PERMANENT RESIDENT ABAS BARI TAMLUK, EAST MEDINIPUR-72636
P.S. TAMLUK
DIST. EAST MEDINIPUR

VERSUS

CENTRAL BUREAU OF INVESTIGATION
REPRESENTED BY SC, CBI

Advocate for the Petitioner : MS. M KUMARI, B U LASKAR, MR. M KALITA, MR D NANDI

Advocate for the Respondent : SC, CBI,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.09.2024

Heard Ms. M.Kumari, learned Senior Counsel assisted by Mr. D.Nandi, learned counsel for the petitioner. Also heard Mr. M. Haloi, learned Standing counsel for the respondent CBI.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Prasenjit Manna** has prayed for bail in connection with RC0172024A0004 under 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) r/ w Section 61 (2) of Bharatiya Nyaya Sanhita, 2023.

3. The learned Senior Counsel for the petitioner submits that the petitioner is falsely implicated in the case. There is no allegation about recovery of any amount from the conscious possession of the petitioner in the FIR. The petitioner was working as a Principal Scientist of Centre for Council and Industrial Research, North East Institute of Science and Technology (CSIR), Jorhat. The petitioner has been detained in judicial custody for last 54 days since his arrest on 26.07.2024. The offence as alleged against the petitioner wherein the mandatory period of detention is 60 days. Considering the length of detention, the petitioner may be enlarged on bail.

In support of her submission, the learned Senior counsel has cited the following case laws:

- a. Soundarajan –vs- State reported in AIR Online 2023 SC 300
- b. Neeraj Dutta –vs- State (Government. Of N.,C.T. of Delhi) reported in 2023 Cri.L.J.1856

Per Contra, Mr. Haloi, learned Standing counsel, CBI, has produced the case diary and opposed in granting bail to the petitioner by stating that in cases of prolonged incarceration, granting of bail cannot be the concern of the court when the seriousness of the offence is very severe. The investigation is still in progress. Considering the nature of the offence, the petitioner may not be enlarged on bail at this stage.

In support of his submission, learned Standing Counsel has placed reliance on the following case laws:

- a. Y.S.Jagan Mohan Reddy vs- CBI reported in (2013) 7 SCC 439
- b. State of Bihar & anr. –vs- Amit Kumar @ Bachcha Rai reported in (2017) 13 SCC 751.
- c. P.Chidambaran –vs- Directorate of Enforcement’ reported in AIR 2019 SC 4198

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

Admittedly, the accused petitioner is in judicial custody for last 54 days. The complicity of the petitioner would remain debatable on the basis of quality of evidence to be led by the parties during trial. Such evidence would also be subject to lawful consideration of the trial court. The alleged recovery of the amount and incriminating material from co-accused in the context of proving complicity of the petitioner would also remain debatable.

The allegation against the present petitioner is that he is the indirect recipient of bribe. Such an allegation cannot be presumed on its face value and would always remain the subject matter of materials to be produced before the trial court during trial.

In view of the facts and circumstances of the case and without meaning anything on merit of the case, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner, named above, shall be released on bail in connection with aforesaid case 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.**

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.

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

Send back the case diary.

JUDGE

Comparing Assistant