

GAHC010200092024



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

Case No. : Bail Appln./2912/2024

KHURSHEEDA KHANAM
D/O SADIQUE KHAN BLOCK DEVELOPMENT OFFICER SRIJANGRAM
BLOCK DEVELOPMENT OFFICER, RESIDENT OF THANA CHARIALI, WARD
NO 5, DIBRUGARH, P.S AND DISTRICT DIBRUGARH, ASSAM.

VERSUS

THE STATE OF ASSAM
(REPRESENTED BY THE PUBLIC PROSECUTOR)

Advocate for the Petitioner : MR. D K BAIDYA, MR. D GAGAI, MR. M S HUSSAIN, MR. A M BORA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03.10.2024

Heard Mr. A.M.Bora, learned Senior Counsel assisted by Mr. D.Gagai, learned counsel for the petitioner as well as Mr. K.K.Parashar, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioner, namely, **Khursheeda Khanam** has prayed for grant of bail in connection with **ACB P.S. Case No.63/2024** under Sections 61(2) (a) of BNS, 2023 r/w Section 7 (a) of PC Act.

Case diary is received.

The allegation in the FIR relates to demand of bribe by the petitioner and one person, namely, Nekib Ahmed from the informant.

The learned Senior Counsel for the petitioner submits that nothing was recovered from the possession of the present petitioner. The petitioner has been languishing in judicial custody for the last 48 days since her arrest on 17.08.2024 and as such, considering length of detention, the petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and made objection against the prayer of the petitioner.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it appears that at the relevant time, the petitioner was holding the post of BDO under Srijangram Development Block. Out of the entire alleged bribe money, part payment has been done. In view of the above, though there is admission on the part of prosecution case, however, it reflects from the case diary, further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Special Judge, Assam**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, Assam**, without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant