

GAHC010218622024



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

Case No. : Bail Appln./3198/2024

GOPAL TAMULI
S/O TULAN CH. TAMULI
R/O VILL- KHERONI,
P.S. SIMEN CHAPORI
DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P HAZARIKA, MR. A. GAYAN, MR. P K MUNIR
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

28.10.2024

Heard Mr. P. K. Munir, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Gopal Tamuli**, has prayed for grant of bail in connection with **Simen Chapori P.S. Case No.37/2024** under Sections **61(2)/316(4)/316(5)**

of BNS read with Section 10(2) of the Assam Public Examination (measures for Prevention of Unfair Means in Recruitment) Act, 2024.

As per FIR, a news and posts circulated in the social media that the question paper of the ADRE held on 15.09.2024 has been reportedly made viral on 16.09.2024, one day after the examination was over. It is alleged that it might be a conspiracy to malign the image of the government and also the sanctity and fair conduct of the examination process.

It is submitted by the learned counsel for the petitioner that the petitioner is the invigilator in the examination which was held at U. N. Academy School, Simen Chapori, Dhemaji. It is further submitted that the petitioner is no way connected with the alleged offence. The post was made viral after the examination was over i.e. on the next date. It is also submitted that the accused petitioner has been languishing in judicial custody for last 40 days since his arrest on 18.09.2024. Considering the length of detention and the nature of accusation spelt against the petitioner, the petitioner may be enlarged on bail.

Mr. Goswami, learned Additional Public Prosecutor has produced the case diary and submits that the petitioner was present when one Mangal Singh took the photograph of the question paper in his mobile and subsequently, it was made viral on the next date. However, he has made objection in granting bail to the petitioners.

I have considered the submission of the learned counsel for both the parties. Case diary shows that at the time of taking photograph of the question papers the petitioner was present in the office of the U. N. Academy Examination centre and no other material has been collected till date.

In view of the above and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary

in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **Special Judge, Dhemaaji**.

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

- (a) shall not leave the territorial jurisdiction of learned Special Judge, Dhemaaji without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant