

GAHC010220642024



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

Case No. : Bail Appln./3236/2024

SUBAL CH ROY
S/O LATE ROBINDRA NATH ROY
R/O KALDOBA PT.I
P.O. AND P.S. AGOMANI
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R SARMA, A H CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06.11.2024

Heard Mr. R Sarma, learned counsel appearing for the petitioner and Mr. K K Das, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Subal Ch. Roy**, Son of Late Robindra Nath Roy, resident of Kaldoba Pt-I, Police Station-Agomani, District-

Dhubri, is praying for his bail in **ACB Police Station Case No. 75/2024** registered under Section 7(a) of the Prevention of Corruption Act, 1988, wherein, he was arrested on 04.10.2024 and is in custody since then.

3) The petitioner while serving as a Sub-Inspector of Police at Barama Police Station, District-Baksa, on 03.10.2024, asked for money as bribe from the informant/complainant relating to an incident, wherein, his motorcycle met with a road traffic accident while it was being driven by his son.

4) The informant/complainant in his mobile phone recorded such demand for bribe money made by the petitioner and brought it to the notice of the authorities of the Anti-Corruption Cell, Guwahati, which was entered into as Anti Corruption Bureau P.S. GD Entry No.37 dated 03.10.2024.

5) Thereafter, the said informant/complainant on 03.10.2024 lodged a written ejahar before the Office-in-Charge of ACB Police Station cum Superintendent of Police, Directorate of Vigilance and Anti-Corruption, Assam in that regard, which was registered as ACB P.S. Case No. 75/2024 under Section 7(a) of the Prevention of Corruption Act, 1988.

6) Following the same in a trap case, the petitioner was caught red-handed while accepting bribe money of Rs. 2,000/- and accordingly, he was apprehended. Subsequently, he was arrested and produced before the learned Special Judge, Guwahati, Assam on 04.10.2024.

7) Perused the case diary placed before the Court today by Mr. Das, learned Additional Public Prosecutor, Assam.

8) Case diary reveals that on the basis of collection of the sufficient evidence, the accused petitioner, a Government employee, more so, a police personnel of the State belonging to the disciplined force, was arrested on 04.10.2024.

9) Considering the materials in the case diary and his period of detention in custody since 04.10.2024, the Court is of the view that petitioner's further custodial detention in said ACB P.S. Case No. 75/2024 is not warranted for investigation of the said case. As such, this bail application of the petitioner in said ACB Police Station Case No. 75/2024 is accepted.

10) Accordingly, the petitioner, namely, **Subal Ch. Roy**, be released on bail in said ACB P.S. Case No.75/2024 on furnishing a bail bond of Rs. 50,000/- with 2(two) local sureties each of the like amount, one of which shall be a Government Employee, either Central or State Government, to the satisfaction of the learned Special Judge, Assam, Guwahati, subject to the conditions that petitioner, named above —

i) shall appear before the concerned Investigating Officer of said ACB Police Station Case No.75/2024, as and when he is required for necessary investigation of the case;

ii) shall not leave the territorial jurisdiction of said ACB Police Station Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;

iii) shall not hamper with the investigation, or tamper with the evidence of the case;

iv) 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 them from disclosing such facts to the Court or to any police officer;

v) shall not involve himself in any criminal activities and

vi) shall surrender his passport, if any, before the Special Judge, Assam, on or before 13.11.2024, obtaining necessary acknowledgement in that regard.

11) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Subal Ch. Roy**, the bail granted to him in said ACB P.S. Case No.75/2024 shall stand automatically vacated.

12) Return the Case Diary herewith.

JUDGE

Comparing Assistant