

GAHC010227552024



2024:GAU-AS:11358

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

Case No. : Bail Appln./3336/2024

PARTHA HAZARIKA
S/O SHRI BHAIKAB HAZARIKA, P/R/O VILL- CHURCHURI, P.O.-
BARNARDDI, P.S.-BELSOR, DIST-NALBARI, ASSAM AND P/R/A HOUSEFED
APARTMENT, FLAT NO. D-103, 1ST FLOOR, D BLOCK, JAWAHAR NAGAR,
GUWAHATI, DIST-KAMRUP (M)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K MAHAJAN, MR. D BORA, MR. N MAHAJAN, MR. A
CHAUDHURY, MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 21.11.2024

Heard Mr. B. K. Mahajan, learned counsel for the petitioner. Also heard Mr.
R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

- 2.** This is an application under Section 483 of the BNSS, 2023 praying for grant of bail to the accused/petitioner, who has been arrested in connection with ACB P.S. Case No. 77/2024, under Section 7(a) of the Prevention of Corruption Act, 1988.
- 3.** Case Diary has been received. Perused the same. Heard both sides.
- 4.** The additional affidavit filed by the petitioner is also tagged along with the case record.
- 5.** It is submitted by Mr. Mahajan, learned counsel for the petitioner, that the present accused/petitioner is innocent and he is not involved in the alleged offence. He was arrested in connection with this case on 16.10.2024 and thereafter he was on 5 (five) days police remand. Further he submitted that from the Forwarding Report and Orders, it also reveals that the investigation is sufficiently progressed and his voice sample etc. were already been collected by the Investigating Authority at the time of investigation. He is behind the bar for last 37 days and hence, considering his length of detention, he may be enlarged on bail.
- 6.** Mr. Mahajan further cited some other decisions of co-ordinate Benches of this Court wherein the bail was granted to the accused therein considering the period of detention and also considering the fact that there is sufficient progress in the investigation. He further submitted that from the orders passed by the learned Trial Court below, it is seen that the accused/petitioner is suffering from

some neurological problem along with frozen shoulder and also diagnosed with diabetic neuropathy with left C5 and C6 region. He is also having severe pain in that regard and for which, the jail authority was also directed to provide necessary treatment to the present accused/petitioner. However, he is still ready and willing to co-operate with the I.O. in further investigation of this case if he is granted with the privilege of bail.

7. Mr. Baruah, learned Additional Public Prosecutor, has submitted in this regard that as it is a trapping case, most of the formalities were already been observed by the Investigating Agency during the time of investigation including the collection of the voice samples of the present accused/petitioner. The statement of some of the independent witnesses, who were present at the time of trapping, were also been recorded. The money was also recovered at the time of trapping of the present accused/petitioner, who happened to be the employee of Excise Department. He further submitted that most of the materials are already been collected by the I.O. during investigation.

8. Considering the submissions made by the learned counsels for both sides, materials available in the Case Diary and also considering the progress of the investigation, I find that further custodial interrogation of the present accused/petitioner may not be necessary for the interest of the investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge, Guwahati, Assam, the accused/petitioner, namely, **Partha Hazarika**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate in the investigation of the aforesaid P.S. Case and shall make himself available for interrogation by the Investigating Officer as and when called for;
- (ii) 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 Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Special Judge, Guwahati, Assam, without prior permission.

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

11. The Case Diary be sent back.

JUDGE

Comparing Assistant