

GAHC010231282024



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

Case No. : Bail Appln./3364/2024

RANJIT KR SARKAR
S/O LATE RABINDRA NATHA SARKAR, R/O VILL- SALJHORA, P.S.-
KAJALGAON, P.O.-KAJALGAON, DIST- CHIRANG (ASSAM), PIN-783385

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S BORTHAKUR, I HOQUE, MR. J ABBAS

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

13/11/2024

Heard Mr. S Borthakur, learned counsel for the petitioner and Mr. K Baishya, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely, **Ranjit Kr. Sarkar**, son of Late Rabindra Natha Sarkar, resident of Village-Saljhora, P.S. Kajalgaon, P.O. Kajalgaon, District-Chirang, seeking bail in **ACB P.S. Case No.**

74/2024 registered under Sections 7(a) of the Prevention of Corruption Act, 1988, wherein he was arrested on 27.09.2024 and is in custody since then.

3. As per the FIR dated 26.09.2024, the case is that the informant is a 2nd Class Contractor under the PHE Department of the State and he was sanctioned with a project work under the Jal Jeevan Mission Scheme at Village North Salmara Part-III under North Salmara Gaon Panchayat of District Bongaigaon. On completion of his said project work of Jal Jeevan Mission pipe water supply, while the process of handing over the said plant to the Water User's Committee of Village North Salmara Part-III for operation and maintenance was going on, the concerned Executive Engineer of the PHE Department, the Field Engineer of the project concerned and the President and the Secretary of said Water User's Committee endorsed their signatures in the Memorandum of Understanding. However, for the said purpose on 20.09.2024, when the informant met the Secretary of the North Salmara Gaon Panchayat for his signature on the said Memorandum the said Secretary with Sarkar title on various pretext did not put his signature on it for which he had to return back. The informant on 25.09.2024 again approached the Secretary of said North Salmara Gaon Panchayat for his signature, but he demanded Rs.7000/- from the informant as a bribe money so as to put his signature in the said Memorandum. Said discussion between the informant and the Secretary of said North Salmara Gaon Panchayat that took place on 25.09.2024 was accordingly recorded by the informant and placed it before the authorities of Anti Corruption Bureau on 26.09.2024 requesting the said authority to take appropriate legal action against the said corrupt Government official. Accordingly, said FIR was registered as ACB P.S. Case No. 74/2024 under Sections 7(a) of the Prevention of Corruption Act, 1988.

4. Police personnel of the ACB Police Station dully authorized by the Superintendent of Police, Vigilance & Anti Corruption, Assam, Guwahati on 26.09.2024 in a trap case apprehended the petitioner, Gaon Panchayat Secretary, North Salmara Gaon Panchayat, District-Bongaigaon, a Government employee, red handed while accepting said demanded bribe money, in presence of the independent witnesses and was accordingly apprehended by following all the procedures of search and seizure that were videographed in due process. The petitioner was arrested on 27.09.2024 and was produced before the learned Special Judge, Assam, Guwahati and since then he is in custody.

5. Considering the above and that the petitioner being in custody in said ACB P.S. Case since 27.09.2024 till date for about 48 days, this Court is of the view that further custodial detention of the petitioner, named above, is not warranted for investigation of said ACB P.S. Case No. 74/2024. As

such, this bail application of the petitioner in said ACB P.S. Case is accepted.

6. Accordingly, the petitioner, namely, **Ranjit Kr. Sarkar**, be released on bail in said **ACB P.S. Case No. 74/2024** registered under Sections 7(a) of the Prevention of Corruption Act, 1988, 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 State or Central Government, to the satisfaction of the learned Special Judge, Assam, Guwahati on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said ACB P.S. Case No. 74/2024 as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of the learned Special Judge, Assam, Guwahati without obtaining prior written permission from the said authority; **(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 and **(v)** shall not involve himself in any criminal activities, failing which, the bail granted to him in said ACB P.S. Case No. 74/2024 shall stand automatically vacated.

7. With the above observation and direction, this bail application of the petitioner accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant