

GAHC010240472024



2024:GAU-AS:12460

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

Case No. : Bail Appln./3496/2024

HIRENDRA CHOUDHURY
SON OF LATE PRAFULLA CHOUDHURY R/O VILL. NIZ BORIGOG,
NABARISUPA P.S - RANGIA PIN- 783354, DISTRICT- KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P P MEDHI, MR G BARGAYARY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

10.12.2024

Heard Mr. M U Mondal, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Hirendra Choudhury**, Son of Late Prafulla Choudhury, resident of village Niz Borigog, Police Station- Rangia, District-Kamrup is praying for his bail in **ACB Police Station Case No. 78/2024**, registered under Section 7 (a) of the Prevention of Corruption Act, 1988, in which, he was

arrested on 28.10.2024 and is in custody since then.

3) Pursuant to the complaint dated 28.10.2024 lodged by the complainant before the Superintendent of Police of Anti-Corruption Bureau of the Government of Assam, ACB P.S. Case No. 78/2024 was registered against the petitioner and during a trap case, he was caught red handed in taking bribe money and was found involved in an act of corruption, in presence of independent witnesses.

4) The petitioner herein is the Baro Babu (Head Clerk) in the Office of the Circle Officer, Kamalpur Revenue Circle, District-Kamrup, Assam and he asked for a certain amount of bribe money from the complainant, so as to insert his name in the land records with regard to ancestral property that was left by his father, by way of "Right of Inheritance", to which, his other brothers submitted that they do not have any objection in that regard.

5) Accordingly, the petitioner was arrested on 28.10.2024 in the trap case and was later produced before the Court of learned Special Judge, Guwahati, Assam on 29.10.2024.

6) Considering his detention in custody, since 28.10.2024, the petitioner has prayed for his bail in said ACB P.S. Case No. 78/2024, registered under Section 7 (a) of the Prevention of Corruption Act, 1988.

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

8) It is seen from the case diary that police have taken the petitioner in custody found involved in taking bribe money in a trap case and all the materials have already been seized by the police in the said case by following the due procedure, in presence of independent witnesses.

9) Considering the materials in the case diary and also considering the fact that all the relevant materials relating to the said case have already been seized, the Court is of the view that further custodial detention of the petitioner in said ACB P.S. Case No. 78/2024 is not warranted for investigation of the said case. As such, this bail application of the petitioner in said ACB P.S. Case No. 78/2024 is hereby accepted.

10) Accordingly, the petitioner, namely, **Hirendra Choudhury**, be released on bail in said ACB P.S. Case No. 78/2024 on furnishing a bail bond of Rs. 50,000/- with 2(two) local sureties, each of the like amount, to the satisfaction of the learned Special Judge, Assam, subject to the conditions that the petitioner, named above —

i) shall appear before the concerned Investigating Officer of said ACB P.S. Case No. 78/2024 every Thursday, for the next three English calendar months commencing from 19.12.2024 and further, as and when he is required for necessary investigation of the said case;

ii) shall not leave the territorial jurisdiction of said ACB 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 and;

v) shall not involve himself in any criminal activities in the future.

11) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Hirendra Choudhury**, the bail granted to him in said ACB P.S. Case No. 78/2024 shall stand automatically vacated.

12) This bail application accordingly stands allowed.

13) Return the Case Diary herewith.

JUDGE

Comparing Assistant