

GAHC010277202023



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

Case No. : I.A.(Crl.)/1205/2023

ANKEET JAIN @ TONY
S/O SHRI SUKHMAL JAIN, R/O 9TH FLOOR, 7-B, NEHA APARTMENT, SATI
JAIMATI ROAD, GUWHATI, DIST-KAMRUP(M), ASSAM

VERSUS

CENTRAL BUREAU OF INVESTIGATION
REPRESENTED BY THE STANDING COUNSEL

Advocate for the Petitioner : MR. N SARKAR

Advocate for the Respondent : SC, CBI

Linked Case : Bail Appln./704/2019

ANKEET JAIN @ TONY
S/O SHRI SUKHMAL JAIN
R/O 9TH FLOOR
7-B
NEHA APARTMENT
SATI JAIMATI ROAD
GUWHATI
DIST-KAMRUP(M)
ASSAM

VERSUS

CENTRAL BUREAU OF INVESTIGATION (B)
(NOTICE THROUGH SC
CBI)

Advocate for : MR. A CHAUDHURY

Advocate for : SC

CBI appearing for CENTRAL BUREAU OF INVESTIGATION (B)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

04.01.2024

Heard Mr. S Borthakur, learned counsel for the applicant. Also heard Mr. M Haloi, learned Special Public Prosecutor, CBI for the respondent.

This is an application filed by the applicant Ankeet Jain @ Tony for modification of the order dated 11.04.2019 passed in Bail Appln. No.704/2019 in connection with Special Case No.02/2003 pending for trial before the Special Judge, CBI, Assam, Additional Court No.3 at Guwahati.

The learned counsel for the applicant submits that Bail Appln. No.704/2019 was disposed of by the order dated 11.04.2019 subjecting the applicant Ankeet Jain @ Tony with the condition that he shall not leave the jurisdiction of the learned Special Judge, CBI Assam at Guwahati without the prior permission of the Investigating Officer.

It is further submitted by the applicant that charge-sheet in this case had already been submitted against three persons, but not against the present

applicant. In view of the above, the condition No.2 imposed against the applicant be withdrawn.

On the other hand, the learned Special Public Prosecutor, CBI Mr. M Haloi submits that though charge-sheet has been submitted in the case, but the investigation is still going on and the Investigating Officer is not presently available at Guwahati, therefore, the prayer of the petitioner for modification of the condition No.2 may not be considered at this stage.

I have considered the submission of the learned counsel for the parties. It appears that the charge-sheet has been submitted on 23.12.2022 against one Dibyajyoti Datta, Lala Ram Choudhary and Ms. Bendangnaro Ao and nowhere in the charge-sheet the name of the applicant is mentioned. The only indication in the charge-sheet is that investigation is kept open and the supplementary final report would be submitted after completion of the investigation. It is noticed that after submission of the charge-sheet, one year has gone by and there is no indication as to whether any material is found against the present applicant to submit another charge-sheet in connection with the offence alleged.

The learned Special Public Prosecutor CBI is also unable to say as to how long the Investigating Officer would be on leave.

Considering the above, the condition No.2 imposed against the applicant Ankeet Jain @ Tony in the order dated 11.04.2019 passed in Bail Appln. No.704/2019 i.e., *the accused petitioner shall not leave the jurisdiction of the learned Special Judge, CBI, Assam, Guwahati without prior permission of the investigating officer* stands deleted.

With the above modification, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant