

GAHC010277592023



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

Case No. : AB/4162/2023

BIKASH SARMA
S/O SHRI NARAYAN CHANDRA SARMA
R/O VILL- BAMUNDI, P.O. BAMUNDI
P.S. SUALKUCHI, DIST. KAMRUP, ASSAM, PIN-781103

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 20-02-2024

Heard Mr. P.D. Nair, learned counsel for the applicant. Also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent .
Apprehending arrest in connection with Dibrugarh P.S. Case No. 936/2016, u/s 7/13 (1)(a) (b) (d)(2) of the Prevention of Corruption Act read with Sections 120(B)/ 420 IPC and added Sections 463/468/471/ 477(A) /201 of IPC, this

application under Section 438 Cr.P.C. is preferred by the applicant namely, Sri Bikash Sarma, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Dr. Angshumita Gogoi, on 27.10.2016.

The essence of allegation made in the FIR dated 27.10.2016 is that one Nabakanta Patir of Dibrugarh contacted the informant and asked her to pay a sum of Rs.10,00,000/- for the purpose of recruiting her to the post of Dental Surgeon which to be conducted by the APSC. Then the informant alongwith with her friend, Sri Arum Borkotoky came to the residence of Nabakanta Patir at Dibrugarh and then Nabakanta Patir was apprehended by the police at his residential premises located at Circuit House Road, near Damanis Nursing Home, when he was receiving the demanded money from the informant.

The allegation made against the present applicant is that while appearing in the Combine Competitive Examination, 2013 conducted by the APSC, he had fraudulently and conspiring with co-accused, added marks in the Tabulation sheet, in respect of five papers i.e. General English, Political Science-I, Political Science-II, Assamese-I and Assamese -II.

Mr. Nair, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 22.12.2023, and pursuant to the said order, the applicant had appeared before the I.O. on 29.12.2023, and cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 22.12.2023, absolute in the same terms and conditions.

On the other hand, Mr. Barua, learned Addl. P.P. has produced the case diary before this Court and submits that investigation is going on and the I.O has collected sufficient materials in support of the allegation made in the FIR and

therefore, Mr. Barua has opposed the petition.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P.

Case diary indicates that I.O. has collected some materials in support of the allegation made in the FIR. It appears that, the applicant had appeared before the I.O on 29.12.2023, pursuant to order of this Court and he has been cooperating with the investigating agency. Considering above, as well as the stage of investigation, this Court is of the view that custodial interrogation of the applicant may not be required in this case. And therefore, the interim order dated 22.12.2023, is hereby made absolute in the same terms and conditions. Case diary be returned.

JUDGE

Comparing Assistant