GAHC010148182020

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

Bail Appln./2097/2020

JUGAMAYA BRAHMA @ JUGAMI BRAHMA
Address:D/O LATE BANAMALI BRAHMA
PRESENT ADDRESS- IRRIGATION DEPARTMENT COLONY
B.K. KAKOTI ROAD
PS PALTAN BAZAR
PERMANENT ADDRESS- VILL SAMTABARI
SASTRAPARA UDALGURI
SASTRAPARA
ASSAM-784410

VERSUS

THE STATE OF ASSAM
Address:REPRESENTED BY PP
ASSAM

Advocate for : MR. N DUBEY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM: Advocate appearing for respectively.

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 23.11.2020

Heard Mr. N Dubey, learned counsel appearing for the accused petitioner and Mr. PP Baruah, learned Public Prosecutor appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Jugamaya Brahma @ Jugami Brahma** has prayed for bail in connection with **Crime Branch Case**

No.13/2020 u/s 418/420/120B of the IPC.

Mr. N Dubey, learned counsel appearing for the accused petitioner, submits that the accused woman is in custody for 65 days since 20.09.2020 and that she has undergone thorough police interrogation and further, that she is the bread earner for her family.

Mr. PP Baruah, learned Public Prosecutor, vehementry submits that there is sufficient incriminating material to show the accused petitioner's direct involvement in the scam of cash for job and as such, her release on bail may affect the ongoing investigation.

The FIR dated 20.09.2020 shows that some persons organized a racket by luring and contacting job aspirants in various places across Assam for the post of constable, Sup-Inspector (UB) in Assam Police Department and they are canvassing the cash for job by various means.

The Apex Court, in ***State of Bihar and Anr. Vs. Amit Kumar @ Bachcha Rai,*** reported in ***(2017) 13 SCC 751*** dealing with socio economic offences held that "it is well settled that socio economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. Usually socio economic offence has deep rooted conspiracy affecting the moral fiber of the society and causing irreparable harm needs to be considered seriously." Therefore, social impact of granting or refusing bail in a case of present nature, cannot be overlooked.

The Apex Court in ***Siddharama Satlingappa Mehta Vs. State of Maharashtra,*** reported in***(2011) 1 SCC 694,*** commenting on the personal liberty vis-à-vis the social interest observed that as liberty is precious to an individual, so is the society's interest in maintenance of peace, law and order. Both are equally important. Therefore, it is certainly necessary to strike a balance between the personal liberty and the social interest.

Now, on perusal of the case diary, it prima facie appears that the accused petitioner played incriminating conspiracy with the candidates, who applied for the post of S.I. of police (U.B) in Assam Police Department. The investigation is yet to be completed. This Court is therefore, of the opinion that if liberty of bail is granted to the accused petitioner, the ongoing investigation into the case is likely to be adversely affected.

In view of above backdrop of facts and evidence available on the case diary, the bail application is **dismissed**.

The investigating Officer is directed to expedite the investigation as the accused petitioner has been behind the bar for a long period.

Return the case diary.

The bail application is disposed off.

JUDGE

Comparing Assistant