GAHC010148182020

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

Case No. : Bail Appln./2125/2020

DILIP GOGOI
Address:S/O LATE LAKHI KANTA GOGOI
R/O VILL-BORPATHAR RANI GAON
P.S.-BARBARUAH
P.O.-KOMAR GAON
DIST-DIBRUGARH
ASSAM
PIN-786008

VERSUS

THE STATE OF ASSAM
Address:REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. S R GOGOI
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. S.R. Gogoi, learned counsel for the accused/petitioner. Also heard Mr. P.P. Boruah, learned Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely **Dilip Gogoi** has prayed for grant of bail in connection with **CID P.S. Case No. 21/2020** registered u/s

120B/409 of the IPC r/w Section **66(B)** of the IT Act, 2000(as amended) and added Section **201/204** of the IPC r/w Section **25(1-B)** of the Arms Act.

The case diary, as called for, is placed before the Court.

Mr. S.R. Gogoi, learned counsel for the accused petitioner, submits that the accused has been in judicial custody since 01.10.2020 and as he has undergone thorough police interrogations, his further detention in connection with the case may not be necessary and as such, he may be directed to be released on bail.

Mr. P.P. Boruah, learned Public Prosecutor, submits that the case diary reveals abundance of prima facie implicating materials against the accused petitioner and therefore, if he is released on bail, there is possibility of him destroying such evidence during the period on bail.

The prosecution story is that on 20.09.2020, one Pradeep Kumar, IPS (Retd.), Chairman, State Level Police Recruitment Board, Assam lodged an FIR before the Officer-in-Charge, Dy. SP (HQ) CID, CID P.S., Guwahati alleging, inter-alia, that the written test for recruitment of 597 posts of Sub-Inspector (UB) in Assam Police department was scheduled to be held w.e.f. 12 Noon to 3 PM on 20.09.2020 in various venues/centres in all District Headquarters across the State under the supervision of the District Level Selection Committees constituted by the State Level Police Recruitment Board, Assam. However, it was alleged that unfortunately the question paper was leaked and circulated in whatsapp due to which the written test was cancelled, which damaged the image of the State Recruitment Board as well as that of the Government of Assam, apart from causing financial loss to the Government affecting the careers of the aspiring candidates. The informant also stated that he received the information about the leakage of the question paper through whatsapp message from one Shri Gautam Mech.

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, the 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 scrutiny of the case diary, it is prima facie revealed that the accused in connivance with co-accused persons assisted one of the prime accused namely, P.K. Dutta, D.I.G.P. (Retired) in fleeing from the state of Assam. It is further noticed that he along with two other accused persons arranged 'Hotel Park Heaven' by hiding their identity to facilitate criminal activities in connection with the Sub-Inspector of Police (U.B.) recruitment test in the state. The investigation is yet to be completed. Therefore, this Court is of the opinion that if the liberty of bail is granted to the accused, there is every possibility of causing hindrance in the ongoing fair investigation into the case.

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

The Superintendent, Central Jail is directed to provide proper medical treatment to the accused on advice of Jail Doctor as it is stated that he is a severe diabetic patient.

As the accused/petitioner has been behind the bar, the investigating officer is directed to expedite the investigation.

Return the case diary.

This disposes off the bail application.

JUDGE

Comparing Assistant