GAHC010152802020

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

Case No. : Bail Appln./2263/2020

PRADIP MAZUMDAR
S/O. LT. GAURANG CHANDRA MAZUMDAR, R/O. RAILWAY NEW COLONY
QR. NO.204-A, P.S. BONGAIGAON, DIST. BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

08.12.2020

Heard Ms. A. Medhi, learned counsel for the accused-petitioner and Mr. P.P. Boruah, learned Public Prosecutor, Assam for the State/respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Pradip Mazumdar** has prayed to release him on bail, in connection with **CID P.S. Case No. 21/2020** under Sections 120B/409 of the IPC read with Section 66B of the IT Act added Sections 201/204 of the IPC and Section 25 (1-B) of the Arms Act.

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

The investigating officer has filed bail objection.

Ms. A. Medhi, learned counsel for the accused-petitioner, submits that the accused has been in judicial custody for 60 (sixty) days despite he had undergone interrogation for 5(five) days in police custody. Ms. Medhi further submits that the accused is falsely implicated in the case. Therefore, Ms. Medhi submits that his continuation of detention is not necessary for the purpose of investigation.

Mr. P.P. Boruah, learned Public Prosecutor, Assam, submits that in course of investigation, a sum of Rs. 15,46,500/- was seized from the possession of the accused, but he failed to disclose the source of it. Mr. Boruah further submits that the case diary reveals that the accused was a part of bigger racket of well organised conspiracy of high police officials and private persons involved in cash for job scam in the state related to the recruitment to the post of Sub-inspector of Police. Therefore, Mr. Boruah submits that release of the accused on bail at the present crucial stage of investigation would certainly jeopardise its impartial and fair course of action which evolves great public interest being related to socio-economic offences.

The prosecution case is that on 20.09.2020 one Pradeep Kumar, the then Chariman, State Level Police Recruitment Board, Assam lodged an FIR before the Inspector General of Police, CID Headquarter, Ulubari, Guwahati stating, *inter alia,* that the Written Test for recruitment of 597 posts of Sub-Inspector (UB) in Assam Police was scheduled to be held on 20.09.2020 in various venues/ centres in all District Headquarters across the State under the supervision of District Level Selection Committees constituted by the State Level Police Recruitment Board, Assam. However, the question paper was leaked and circulated in whatsapp due to which the written test has been cancelled.

A perusal of the case diary and the bail objection petition filed by the investigating Officer, reveals sufficient *prima facie* incriminating material against the accused. There is indication on the case diary that the accused has not been co-operating satisfactorily with the investigating agency in regard to some vital aspects of the case, into which investigation is on. Hence, although the accused is behind the bar for sixty days, this Court is of the view that if the liberty of bail is granted at the present crucial stage of investigation, the same may likely to be adversely affected.

For the above stated reasons, the bail application stands **dismissed.**

The investigating officer is directed to expedite the investigation as the accused-petitioner is in judicial custody.

The Superintendent, Central Jail, Kamrup(M), Guwahati is directed to provide necessary medical treatment to the accused, who is stated to have been from suffering illness, on the advice of the Jail Doctor.

Return the case diary.

This disposes off the bail application.

JUDGE

Comparing Assistant