GAHC010165202020

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

Case No. : Bail Appln./2532/2020

RUBUL HAZARIKA @ RUBUL ALI
S/O. MD. SAYED ALI, R/O. SHIVAMNAGAR, WARD NO.13, CHAPAGURI ROAD, BONGAIGAON, DIST. BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 02-12-2020

Heard Mr. H.R.A. Choudhury, learned Sr. counsel appearing for the petitioner. Also Heard Mr. P.P. Boruah, learned P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely **Rubul Hazarika @ Rubul Ali** 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 **66B** of the I.T. Act added Sections

201/204 of the IPC r/w Section **25(1B)** of the Arms Act.

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

The I.O. has filed bail objection petition.

Mr. H.R.A. Choudhury, learned Sr. counsel appearing for the accused petitioner, contends that the accused is innocent and falsely implicated in the instant case. According to Mr. Choudhury, the accused had no connection to the prime accused persons, namely P.K. Dutta, D.I.G.P. (Retired) and Kumar Sanjit Krishna, the Superintendent of Police, Karimganj district and custodian of the question papers for written examination for recruitment of Sub-Inspector of Police (UB) in Assam, scheduled on 20.09.2020. Mr. Choudhury further submits that the accused is a partner of the firm M/s Akhay Telecommunications with one Akhay Chand Baid and the said firm had entered into an agreement with Kerala State Electronic Development Corporation, who were engaged by the Assam Police Department for conducting the selection process for recruitment of Sub-Inspector of Police and Constables of the Assam Police department under the State Level Police Recruitment Board, Assam and accordingly, the accused's firm was engaged for logistic support to conduct the said selection process. On the other hand, Mr. Choudhury, learned Sr. counsel submits, the penal offences under which the case is registered are not attracted to the accused's case and as such, considering his length of detention for 54 days, he may be directed to be released on bail subject to any condition(s).

Opposing the bail application, Mr. P.P. Boruah, learned P.P., Assam vehemently submits that various statements recorded u/s 161 and 164 Cr.P.C. and Test Identification Report as well as the seized documents suggest a prima facie strong case of complicity of the accused petitioner in the commission of the alleged offences which led the Government to promptly cancel the competitive examination scheduled on 20.09.2020. Therefore, Mr. Boruah submits that until the fair investigation is completed, the bail prayer of the accused, who is one of the main accused in the case, may not be accepted.

The prosecution allegation is that on 20.09.2020, the Chairman, State Level Police Recruitment Board, Assam lodged an F.I.R. with the Officer-in-Charge, CID P.S., Assam alleging, inter-alia, that the written test for recruitment of 597 posts of Sub-Inspector (UB) in

Assam Police 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, unfortunately the question paper was leaked and circulated in whatsapp due to which the written test was cancelled, which had damaged the image of the 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 as well. The informant also stated that he received the information about the leakage of the question paper through whatsapp message from one Shri Gautam Mech.

Upon hearing the learned counsel of both sides and perusal of the case diary along with the I.O.'s bail objection petition, this Court finds prima facie evidence that the accused petitioner in connivance with other prime accused persons, who are/were senior Police officials, collected question papers before the competitive examination was held on 20.09.2020 and circulated the same among some of the aspiring candidates in exchange of a large amount of money. It is also noticed that the accused, on the night of 19.09.2020, delivered the question papers with answers ticked on those to the candidates lodged at Hotel Bhargav Grand, Guwahati and on the following day early morning, he got the same collected back from those candidates.

This case, which involves great public interest, needs to be investigated further in depth. Therefore, this Court is of the view that if the liberty of bail is granted to the accused petitioner, the ongoing investigation is likely to be adversely affected.

Accordingly, the bail application stands **dismissed**.

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