GAHC040018352026 2026:GAU-AP:1139

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

**Case No. : BA/102/2026**

Ajay Kumar
Son of R J Shukla, resident of Lekang HQ, Namsai, Mahadevpur, PO Mahadevpur, PS Namsai, Namsai District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP

**Advocate for the Petitioner** : Jambey Tsering Kee, Tayom Gamoh,Dejum Tally,Phurpa Tsering,Techi Topu

**Advocate for the Respondent** : Ojing Pada, SC (ACB)

**BEFORE**
**HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

**JUDGMENT**

**Date : 11-11-2026**

The instant application under section 483 of the BNSS, 2023 has been preferred by the petitioner/accused praying for grant of bail in connection with Anti-Corruption Bureau(ACB) Police Station Case No.09/2026 registered under section 7/13(2) of the Prevention of

Corruption Act, 1988.

2. Heard the learned counsel for the petitioner Mr. J. Tsering Kee. Also heard the learned Special P.P. Mr. Ojing Pada.

3. The case of the applicant/petitioner herein is that he was arrested on 09.10.2026 in connection with Anti-Corruption Bureau(ACB) Police Station Case No.09/2026 registered under section 7/13(2) of the Prevention of Corruption Act, 1988. Since the date of his arrest he has been incarcerated for a total of 34 days as on date.

4. It is also submitted that a bail application had been preferred before the learned Special Judge (PCA) Yupia Arunachal Pradesh but the learned Trial Court rejected the bail application by order date 02.11.2026 mainly on the ground that the case is still under investigation and that the release of the accused person may result in hampering the investigation and tampering the witnesses.

5. The learned counsel for the petitioner contents that the investigation is now at the final stage and only the FSL report is awaited. It is also submitted that the applicant/petitioner is a Government official working under the Government of Arunachal Pradesh and permanently residing at Chongkham, Namsai district of Arunachal Pradesh. It is further submitted by the learned counsel for the petitioner that the case is mainly based on circumstantial evidence and all the materials in connection with the said case has already been seized and therefore there is no likelihood of the accused either tampering with the evidence or absconding if bail is granted.

6. On the other hand, the learned Special P.P. appearing for the State respondent has fairly submitted that the material evidence has already been

collected and will be sent to the FSL for expert opinion and important witnesses have already been examined. However, since there is likelihood of the accused/petitioner tampering the evidence as he is a Police official, necessary condition may be imposed by this Court in the event bail is granted.

7. I have duly considered the submissions made by the learned counsel for the parties and perused the Case Diary produced by the learned Special P.P.

8. A perusal of the Case Diary reveals that the accused/petitioner was arrested on 09.10.2026 and pursuant to the arrest investigation has been conducted and the seized materials are being prepared for sending to the FSL. This Court has also observed that all the material witnesses have already been examined by the investigating agency and their statements have been recorded. It is also an admitted fact that the accused/petitioner is a Police official working under the Government of Arunachal Pradesh and posted at Chongkham, Namsai district.

9. In view of the above circumstances and in view of the fact that the investigation is now at the final stage, this Court is of the view that continued incarceration of the accused is no longer required and accordingly, the instant application is allowed and the accused is hereby released on bail on the following terms and conditions:-

(i). The accused shall be released on execution of bail bond of Rs.30,000/- with one surety of the like amount who shall be a local person with property situated within the State of Arunachal Pradesh.

(ii). The accused/petitioner shall not contact any person involved in

this case whether it is Police official or independent witness in any way and shall not leave the jurisdiction of the jurisdictional Police station without the permission of the JMFC Namsai.

10. In the event of violation of any of the conditions herein, the respondents are at liberty to approach the Court for cancellation/modification of the order.

11. Return the Case Diary to the learned Special P.P.

**JUDGE**

**Comparing Assistant**