GAHC010224902024

2026:GAU-AS:5189

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

Case No. : Crl.Pet./1306/2024

SUSHIL KUMAR VERMA
S/O- RAMESH CHANDRA PRASAD,
R/O- QTR. NO-436, NAMBARI RAILWAYS OFFICER COLONY, NEAR GOSHALA MALIGAON, GUWAHATI-11,
PERMANENT ADDRESS-
ALKAPURI, RATU ROAD, RANCHI (NEAR TARA GUPTA BUILDING)
JHARKHAND-834001

VERSUS

CENTRAL BUREAU OF INVESTIGATION
O/O HEAD OF THE BRANCH, ANTI -CORRUPTION BRANCH (OPP. BALAJI TEMPLE) BETKUCHI, NH -37, GARCHUK-781035

Advocate for the Petitioner : MR. K KAKOTI, MS. BEAUTY BARO,MR R K MOUR,MR N PATIRI,MR J BORAH

Advocate for the Respondent : SC, CBI,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 07.04.2026.

Heard Mr. R.K. Mour, learned counsel for the petitioner. Also heard Ms. M.

Kumari, learned Standing Counsel appearing on behalf of the respondent CBI.

This is an application under Section 528 read with Section 483 of BNSS, 2023, praying for setting aside the order dated 30.07.2024 passed by the learned Special Judge, CBI, Assam, Additional Court No. 2 and seeking modification of bail condition imposed vide order dated 30.09.2022 in Special Case CBI No. 05/2022 (arising out of FIR No. RC2162022A0007, dated 12.06.2022.

It is submitted by Mr. Mour, the learned counsel for the petitioner that while passing the bail order dated 30.09.2022, the learned Special Judge, CBI had imposed five numbers of bail condition and out of which bail condition No.(v) reads as under:

> "*(v) That the accused/petitioner shall not leave the jurisdiction of this Court until completion of further investigation, if any, without prior permission of this Court".*

Mr. Mour, the learned counsel for the petitioner accordingly submitted that the petitioner had to visit all over India for his official duty and that apart, his old ailing father resides in Bihar for which he had to visit frequently outside the State of Assam. In every occasion he had to make a prayer before the learned Special Judge for permission to leave the jurisdiction of the Court and in some occasions, even in urgency, the petitioner had to move an application before the Court. However, the learned counsel for the petitioner submitted that in every occasion he took prior permission and left the jurisdiction of the Court but in two occasions, due to some urgent situations, he had to leave the jurisdiction of the Court without making any prayer for permission and thereafter, he already informed the learned Trial Court below and his prayer was allowed with a cost of Rs.1,000/-. The learned counsel for the petitioner further submitted that the bail

condition as imposed on the present petitioner is arbitrary and it also violates the right of the present petitioner guaranteed under Article 21 of the Indian Constitution. More so, the petitioner being an employee of the National Highway Authority of India, he is required to travel frequently to the nearby districts in Assam and Ribhoi District in Meghalaya for his professional exigencies but it is difficult on the part of the petitioner to take permission of the Court in each and every occasion, for which only he filed an application before the learned Special Judge praying for modification of the bail condition No.(v) as stated above but vide order dated 30.07.2024, the learned Special Judge had rejected the prayer for modification of the bail condition No.(v) of the bail condition vide order dated 30.09.2022, while the bail order was passed for the petitioner.

Accordingly, Mr. Mour, the learned counsel for the petitioner submitted that the present petition is filed for setting aside and quashing of the order dated 30.07.2024, passed by the learned Special Judge, CBI in Misc. (CBI) Case No.6/2024, arising out of Special Case CBI No. 05/2022, dated 30.07.2024. However, the petitioner is ready to abide by all other conditions imposed by the learned Special Judge, CBI and in view of such condition, he had already deposited his passport and other documents, as required under the bail conditions.

Ms. Kumari, the learned Standing Counsel for the respondent CBI submitted in this regard that the petitioner was never debarred from visiting other parts of the country with prior permission of the Court and on every occasion his prayer was allowed by the learned Court below. However, in two occasions, without informing the Court and taking any prior permission, the petitioner left the jurisdiction of the Court and when the authority concerned had came to know

about the situation, then only the petitioner informed the learned Trial Court on which the prayer was allowed with cost of Rs.1,000/- to the present petitioner. The case is still under investigation and the learned Special Judge, CBI had passed a well reasoned order while rejecting the prayer for modification of the bail condition No.(v) and hence, there cannot be any reason for any interference in the order passed by the learned Special Judge, CBI. However, the learned standing counsel submitted that said bail condition No.(v) is also not a stringent condition and in many matters such kind of condition had to be put by the Court to procure the attendance of the accused persons or for cooperation in the further investigation of the case. She further submitted that the case is of serious offence of corruption which is pending before the learned Special Judge, CBI, which affected the economy of the entire country and hence, the modification of the bail condition No.(v) which is an important condition, should not be done at this stage. Accordingly, she submitted that the learned Special Judge, CBI had passed a well reasoned order and there is no reason to make any interference in the order passed by the learned Court below.

Hearing the submissions made by the learned counsels for both sides, I have also perused the record and the order passed by the learned Special Judge, CBI while granting bail dated 30.09.2022 as well as the order dated 30.07.2024, while rejecting the prayer for modification.

It is the case of the petitioner that he needs the modification of the bail condition No.(v), by which he was to take prior permission before leaving the jurisdiction of the Court. But being an employee of the National Highway Authority of India, he is required to travel frequently to the nearby districts in Assam as well as outside the State of Assam. That apart, he had to attend his

old ailing father who resides in Bihar.

On the other hand, it is the case of the respondent CBI that such nature of bail condition is necessary for further investigation of the case. Moreso, he was never debarred from leaving the jurisdiction of the Court and in every occasion, the prior permission was given by the Court whenever it was applied for.

In the order dated 30.07.2024, it is opined by the learned Special Judge, CBI that the bail condition No.(v), imposed on the present petitioner is an important condition which was passed at the time of granting bail and it is also observed that the investigation of the case is still under process and the petitioner was never debarred from leaving the jurisdiction of the Court with prior permission. Accordingly, it was held that the modification of such condition is not necessary and the same was rejected.

In it seen from the order passed by the learned Special Judge, CBI below as well as the submission made by the standing counsel for the CBI that in spite of the said bail condition, the accused petitioner was never debarred from leaving the jurisdiction of the Court and in every occasion, the prayer for prior permission was allowed by the learned Court below and there was no such occasion wherein the prayer for permission was rejected by the learned trial Court. However, it is seen that in two occasions, the petitioner left the jurisdiction of the Court without prior permission of the Court and on coming to know about the same by the authority concerned, he was compelled to file information before the learned Trial Court below which was allowed with a cost of Rs.1,000/-.

Thus, it is seen that the condition which was imposed under the bail order dated 30.09.2022, cannot be considered as a stringent condition and it cannot also be held that it cannot be abide by the petitioner. The learned Trial Court below is also seems to be liberal while granting permission to the present accused petitioner, whenever any petition for permission was applied for and it was considered liberally and prior permission for leaving the jurisdiction of the Court was accordingly considered by the learned Trial Court.

Considering the entire facts and circumstances of the case, it is seen that the bail condition No.(v) which was imposed at the time of granting the bail should not be interfered with at this stage as the part of the investigation is still going on and on which occasion the present of the present petitioner may also be required for the purpose of investigation as well as trial.

Further, it is submitted by the learned standing counsel for the respondent CBI that one of the accused in the case filed an application on the basis of which the further proceeding is stayed by the learned Trial Court below for which if such nature of application is allowed, it may also hamper the further investigation of the case.

Considering the above aspects of the case, this Court is of the opinion that there is no need of any interference in the order dated 30.07.2024, passed by the learned Special Judge, CBI, Assam, Additional Court No. 2, and seeking modification of bail condition imposed vide order dated 30.09.2022 in Special Case CBI No. 05/2022 at this stage and hence, the present petition stands dismissed.

However, the petitioner is at the liberty to approach the learned Trial Court below as and when there is any requirement to leave the jurisdiction of the Court and in that case, the court of learned Special Judge, CBI, Assam, Additional Court No. 2 may consider his application for permission.

In terms of above, this petition stands disposed of.

JUDGE

Comparing Assistant