

GAHC010229342022



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

**Case No. : Bail Appln./3179/2022**

SAROJ SARMA  
S/O LATE BALABHADRA SARMA  
R/O VILL AND P.O. BHOGPUR, P.S. PATACHARKUCHI AND PRESENTLY  
RESIDING AT KAHILIPARA JATIYA, SHIVSAKTI PATH, GUWAHATI- 781006,  
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR B D DAS**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**08.12.2022**

Heard Mr. B.D. Das, learned senior counsel representing the petitioner assisted by Mr. H R Das, Advocate. Also heard Mr. K. K. Parasor, learned Additional Public Prosecutor, Assam.

This is the second bail application filed under section 439 CrPC by the petitioner, namely, Shri Saroj Sarma, praying for release on bail in connection with Special Case No. 6/2021 airing out of CID PS Case No. 21/2020 under sections 120(B)/120/201/204/406/420/461/34 IPC read with section 66 (B) of the Information Technology Act, 2000 and Sections 8/12 of the Prevention of Corruption Act, 1988.

The earlier application for bail was rejected by this court on 25.06.2021 in Bail Application No. 399/2021.

It is submitted that the charge sheet has been filed showing 183 persons as witnesses out of them only four persons have already been examined.

Mr. Das submits that the petitioner has been in custody since 770 days and out of the 42 persons arrested by Police, 37 have already been released on bail. Some of them were released by this court also.

I have heard the objection raised by Mr. Parasor.

Further, Mr. Das has submitted that since the bail application of the petitioner was rejected by this court earlier the trial court may not incline to allow the bail application of the petitioner.

I have considered the submission made by the learned counsels for both the sides.

Here, in this case, charge sheet has been filed and the trial is still going on.

Therefore, this court is of the opinion that, at this stage, trial court is the best forum to consider the bail application of the petitioner.

Accordingly, the petitioner is directed to approach the trial court again seeking bail. The trial court shall consider the prayer of the petitioner independently without being influenced by any earlier orders of this court. It is further directed that in case of rejection of the bail prayer by the trial court, the petitioner shall have the liberty to approach this court again.

With the aforesaid direction and observation the present bail application is closed.

**JUDGE**

**Comparing Assistant**