(2021) 06 GAU CK 0139

Gauhati High Court

Case No: Bail Application No. 544 Of 2021

Prasanta Kumar Dutta	APPELLANT
Vs	
State Of Assam	RESPONDENT

Date of Decision: June 24, 2021

Acts Referred:

- Constitution Of India, 1950 - Article 21
- Code Of Criminal Procedure, 1973 - Section 41, 41A, 439
- Indian Penal Code, 1860 - Section 34, 109, 120, 120B, 120B(1), 201, 204, 212, 306, 409, 420, 506
- Information Technology Act, 2000 - Section 66B
- Arms Act, 1959 - Section 25(1B)(a), 25(1B)(h)
- Prevention Of Corruption Act, 1988 - Section 8, 12

Hon'ble Judges: Hitesh Kumar Sarma, J

Bench: Single Bench

Advocate: P. Bora, D. Das

Final Decision: Disposed Of

Judgement

1. Heard Mr. P. Bora, the learned counsel for the petitioner. Also heard Mr. D. Das, the learned additional public prosecutor, Assam for the

respondent.

2. Having filed the instant petition under Section 439 of the CrPC, the petitioner, namely, Prasanta Kumar Dutta has prayed for enlarging him on bail

in connection with the CID P.S. Case No.21/2021 registered under Sections 120B, 120, 201, 204, 212, 420, 506 read with Section 34 of the IPC and

Section 66-B of the Information Technology Act (for short â€œIT Actâ€) and Sections 25 (1B)(a) and 25 (1B) (h) of the Arms Act and Section 8 of

the Prevention of Corruption Act (for short â€œPC Actâ€). The petitioner was arrested on 07-10-2020 in connection with the aforesaid case and has

been in detention since then.

3. The genesis of the abovementioned criminal prosecution may be traced to the Sub-Inspector (UB) Recruitment Examination (Written) for filling up

597 vacancies in Assam Police, which was to be conducted on 20-09-2020 in all the district headquarters across the State of Assam under the

supervision of the District Level Selection Committees constituted by the State Level Police Recruitment Board, Assam. The First Information Report

(for short â€œFIRâ€), on the basis whereof the aforesaid case was registered, was lodged by Shri Pradeep Kumar, IPS (Retd.), the Chairman of the

State Level Police Recruitment Board, Guwahati. It was alleged in the FIR that the question paper of the aforementioned written examination had

been leaked and circulated in WhatsApp messenger and as a result of which the written examination had to be cancelled. It was further alleged that

the persons involved in the act of leaking the question paper, with their malafide intention, had damaged the image of the Recruitment Board as well as

of the Government of Assam, apart from causing financial loss to the State Government and playing with the careers of the aspiring candidates. The

complainant furthermore alleged that he had received the information about the leakage of the question paper through WhatsApp message from one

Shri Gautam Mech.

4. It is imperative to note that after completion of the investigation into the alleged offences, a charge-sheet has already been laid against 36 accused

persons including the present petitioner under Sections 120B, 120, 201, 204, 212, 420, 506 read with Section 34 of the IPC and Section 66-B of the IT

Act and Sections 25 (1B) (a) and 25 (1B) (h) of the Arms Act and Section 8 of the PC Act. The allegations leveled against the present petitioner in

the said charge-sheet is extracted hereunder:

â€œ2. Sri Prasanta Kumar Dutta, S/O Late Sashidhar Dutta (A-2)

He is found to be one of the prime accused persons along with accused Rubul Hazarika, Saroj Sarma, Kumar Sanjit Krishna and others,

who are involved in the offence of entering into a conspiracy for leaking the question papers of the written examination for the post of SI

(UB) of Police and circulating the leaked question papers through WhatsApp messages and by other means to different applicants/

guardians of candidates in exchange of huge money. Prasanta Kumar Dutta in connivance with his accomplices, namely, Nripen Nath,

Manjit Bora, Jaydip Borooah, Rupam Deka, Jitu Mikir and Anowar Ali opened an office in Hotel Bhargav at Lokhra for organizing

physical training to aspiring candidates in order to conceal their design and finally provided the copies of the leaked question papers to a

number of candidates in exchange of huge amount of money at Hotel Bhargav Grand in the night of 19-09-2020. During search in his

house, recovery of E-Admit Card belonging to accused candidate Hirak Jyoti Baruah, blank signed chques of one candidate, namely, Atul

Nath etc. also proves his complicity in the conspiracy. He had taken the 5 No of signed advance cheques from Atul Nath for providing job

of SI of police to him. He also contacted another candidate Piku Baishya through Atul Nath for inducing him to pay money to him. He along

with other associates under a deep-rooted conspiracy, on the pretext of providing training to the aspirants for the post of SI (UB) in Assam

Police. He arranged/provided rooms to several candidates in the Hotel Bhargav Grand where the students were provided with the leaked

question papers in the intervening night of 19-09-2020 for mock test. To keep the conspiracy under cover, he threatened with criminal

intimidation to one Smti Banti Baruah, mother of Hirakjyoti Baruah and others. He also caused destruction of evidence like hotel guest

registration cards, the banner for training, printed copies of the leaked question papers etc. with the help of his associates. He was also in

possession of an illegal fire arms as the licence issued by DM Dhubri had already expired. Prasanta Kumar Dutta asked his accomplice

Jaydip Borooah to conceal a part of the illegal crime proceeds in a bag and later on, as led by the arrested accused, Jaydip Borooah, the

bag containing a sum of Rs.24,80,000/- was recovered from a vehicle (used by him) within the premises of his house. A few pages were torn

from the diary by Prasanta Kumar Dutta in order to destroy the evidence. However, names of few candidates who had paid money to him

were detected in the diary.â€

5. During the course of hearing, Mr. P. Bora, the learned counsel appearing for the petitioner would submit that the petitioner having been arrested on

07-10-2020 has already spent 251 days in detention. He also submitted that the maximum punishment prescribed for the offences alleged to have been

committed by the petitioner is only 7 years. It has been also submitted that the petitioner was holding a licensed gun and during the pendency of the

renewal application the validity of the arms licence got expired and owing to the Covid-19 pandemic, his licence could not get renewed. As such, the

petitioner cannot be said to have been in possession of an illegal arms. Learned counsel Mr. Bora further submitted that the petitioner being a retired

police officer, the ingredients of the offence under Section 8 of the PC Act would not be attracted.

6. Mr. Bora furthermore submitted that the petitioner had been tested Covid Positive and had been in quarantine and his negative result came out on

13-09-2020. His mother had also passed away on 11-09-2020. The son of the petitioner had performed the â€œSharddhaâ€ of his deceased mother on

21-09-2020. Therefore, the petitioner could not have hatched a conspiracy to leak the question paper as alleged in the charge-sheet as the examination

involved in this case was scheduled to be held on 20.09.2020. It was also the submission of the learned counsel that co-accused Sukanya Sarkar was

never arrested, although she got the crime proceeds amounting to Rs.40 Lakhs from accused Saroj Sarma through her husband, Subrata Sarkar near

Chang-fa restaurant on the night of 18.09.20. That apart, when she appeared in the Court she was granted bail although charge-sheet was laid against

her under section 120B/201/204/420/34 IPC and under section 8/12 of the P C Act. He urged that if the petitioner is not granted bail, serious prejudice

will be caused to him inasmuch as he has to prepare his defense for trial and that granting bail to the petitioner would not entail any tempering of

evidence or intimidation to witnesses and he is ever ready to comply with any condition(s) that may be imposed for such bail.

7. Learned counsel Mr. Bora would also contend that the accused should be released on bail in view of the ongoing pandemic inasmuch as the Covid-

19 virus is rapidly spreading in prisons. In order to buttress his argument, Mr. Bora invited the attention of the Court to the order dated 07-05-2021

passed by the Honâ€™ble Supreme Court in Suo Motu Writ Petition (C) No.1/2020 (In re: Contagion of Covid-19 virus in prisons). In the said order,

the Honâ€™ble Court inter-alia emphasized the needs to strictly control and limit the authorities from arresting accused in contravention of the

guidelines laid down in Arnesh Kumar v. State of Bihar (2014) 8 SCC 273 during the pandemic so that the prisons can be decongested. The

Honâ€™ble Apex Court in Arnesh Kumar (supra) inter alia embargoed the police officers from arresting an accused unnecessarily without complying

with the provisions embodied in Section 41 and Section 41(A) of the CrPC in cases where the offence is punishable with imprisonment for a term

which may be less than 7 years or which may extend up to 7 years. The Honâ€™ble Apex Court also directed the learned Magistrates not to

authorize detention casually and mechanically without recording his satisfaction on the forwarding report furnished by the police officer. In the order

dated 07-05-2021, the Honâ€™ble Apex Court further directed the High Powered Committees constituted by the State Governments/Union

Territories to consider releasing prisoners by adopting the guidelines followed by them last year, at the earliest.

8. Mr. Bora, the learned counsel for the petitioner, in support of his arguments, also placed reliance on the case of Arnab Manoranjan Goswami v.

State of Maharastra & Others (2020) 13 SCALE 311. In the said case, the appellant, a journalist and also the Editor-in-Chief of the English News

Channel Republic TV, was granted interim bail by the Honâ€™ble Apex Court in a case in which he was alleged to have committed abetment of

suicide as punishable under Section 306 of the IPC. The relevant observations of the Honâ€™ble Apex Court made in the said case and emphasized

by the learned counsel of the petitioner are reproduced herein below:

â€œ63. More than four decades ago, in a celebrated judgment in State of Rajasthan, Jaipur v. Balchand, (1977) 4 SCC 308 Justice

Krishna Iyer pithily reminded us that the basic rule of our criminal justice system is â€˜bail, not jailâ€™. The High Courts and Courts in the

district judiciary of India must enforce this principle in practice, and not forego that duty, leaving this Court to intervene at all times. We

must in particular also emphasise the role of the district judiciary, which provides the first point of interface to the citizen. Our district

judiciary is wrongly referred to as the subordinate judiciaryâ€˜. It may be subordinate in hierarchy but it is not subordinate in terms of its

importance in the lives of citizens or in terms of the duty to render justice to them. High Courts get burdened when courts of first instance

decline to grant anticipatory bail or bail in deserving cases. This continues in the Supreme Court as well, when High Courts do not grant

bail or anticipatory bail in cases falling within the parameters of the law. The consequence for those who suffer incarceration are serious.

Common citizens without the means or resources to move the High Courts or this Court languish as undertrials. Courts must be alive to the

situation as it prevails on the ground â€" in the jails and police stations where human dignity has no protector. As judges, we would do well

to remind ourselves that it is through the instrumentality of bail that our criminal justice systemâ€˜s primordial interest in preserving the

presumption of innocence finds its most eloquent expression. The remedy of bail is the —solemn expression of the humaneness of the justice

system. Tasked as we are with the primary responsibility of preserving the liberty of all citizens, we cannot countenance an approach that

has the consequence of applying this basic rule in an inverted form. We have given expression to our anguish in a case where a citizen has

approached this court. We have done so in order to reiterate principles which must govern countless other faces whose voices should not go

unheard.â€

9. Countering the submissions of the learned counsel for the petitioner, Mr. D. Das, the learned additional public prosecutor appearing for the State

submitted that the petitioner was one of the prime conspirators of the Recruitment scam involved in this case and he cannot deny his involvement in

the said conspiracy just by taking the pleas of his motherâ€™s death and his being quarantined for being tested Covid Positive. Mr. Das emphatically

argued that mobile phones were extensively used in the commission of the alleged offences. It was submitted that the investigation clearly revealed a

deep-rooted conspiracy to leak the question paper of the written examination with the connivance of Sanjit Krishna, the then Superintendent of Police,

Karimganj. In pursuance of the said conspiracy, Sanjit Krishna had committed the offence under Section 409 of the IPC (Criminal breach of trust by

public servant) by leaking the question paper, which offence is inter-alia punishable with imprisonment for life. It was next submitted that the present

petitioner was a party to the said conspiracy, and, therefore he is squarely liable under Section 120B (1) of the IPC. Referring to the decision of the

Honâ€™ble Apex Court rendered in State of A.P. v. Kandimalla Subbaiah, AIR 1961 SC 1241, Mr. Das submitted that criminal conspiracy to commit

an offence is a distinct and independent offence and the present petitioner can be separately charged with respect to such conspiracy. In the aforesaid

case, the Honâ€™ble Supreme Court held that conspiracy to commit an offence is itself an offence and a person can be separately charged with

respect to such a conspiracy.

10. Mr. Das would contend that the petitioner had also abetted the commission of the offence under Section 409 of the IPC which inter-alia prescribes

a punishment of imprisonment for life. According to him, the petitioner along with other prime accused had abetted Sanjit Krishna, the then

Superintendent of Police, Karimganj to commit the offence under Section 409 of the IPC. He pointed out that Sanjit Krishna had committed criminal

breach of trust by leaking the question paper which he was entrusted with. He further pointed out that the main object of the conspiracy was to leak

question paper for those candidates who had paid money therefor, and the said object was sought to be achieved by committing an offence under

Section 409 of the IPC. Hence, the present petitioner is also liable under Section 109 of the IPC for having abetted the offence defined in Section 409

of the IPC, and therefore he should not be released on bail.

11. The learned additional public prosecutor also urged that the petitioner was a prime conspirator as he had arranged rooms for several candidates in

the Hotel Bhargav Grand, Lokhra where they were provided with the leaked question papers in the intervening night of 19/20-09-2020 for mock test

for the examination to be held on 20.09.20 for recruitment of S I of police. Notably, the wife and son of the petitioner are the directors of the company

which owns the said Hotel. Mr. Das further submitted that the petitioner had destroyed evidence by deleting messages, call details and by destroying

hotel guest registers/registration cards, diaries, banner for training, printed copies of the leaked question papers etc. He had given a bag containing

Rs.24, 80,000/- to his aide Jaydip Borooah(co-accused) and left Guwahati and he was apprehended at Indo-Nepal border while trying to escape into

Nepal. The said sum of money was recovered from the house of said Jaydip Borooah. According to the learned prosecutor, if the petitioner is

released on bail, he may again flee from justice and may temper with evidence and intimidate witnesses and which, in turn, will definitely hamper the

trial.

12. Mr. Das also vehemently argued that the offences committed by the petitioner were serious in nature and that the societal interest demands that

the petitioner should not be enlarged on bail. According to Mr. Das, about 66,000 (sixty six thousand) candidates had applied for the recruitment to the

posts of SI of police, but the illegal activities of the conspirators as indicated above, had deprived the candidates from appearing in the said recruitment

examination as the same was cancelled on 20.09.20 (the scheduled date of the examination) in view of leaking out of the question papers which

caused public outrage. In order to bring home his argument, Mr. Das referred to the case of Chandrakeshwar Prasad v. State of Bihar, (2016) 9 SCC

443, wherein the Honâ€™ble Supreme Court observed and held as follows:

â€œ10. This Court in Rajesh Ranjan Yadav v. CBI [Rajesh Ranjan Yadav v. CBI, (2007) 1 SCC 70 : (2007) 1 SCC (Cri) 254] balanced the

fundamental right to individual liberty with the interest of the society in the following terms in para 16 thereof: (SCC p. 79)

â€œ16. We are of the opinion that while it is true that Article 21 is of great importance because it enshrines the fundamental right to

individual liberty, but at the same time a balance has to be struck between the right to individual liberty and the interest of society. No right

can be absolute, and reasonable restrictions can be placed on them. While it is true that one of the considerations in deciding whether to

grant bail to an accused or not is whether he has been in jail for a long time, the court has also to take into consideration other facts and

circumstances, such as the interest of the society.â€

13. Mr. Das concluded his arguments by urging that the present case is not a fit case to grant bail to the petitioner who after the cancellation of the

written examination had fled away from Guwahati and having destroyed crucial evidence pertaining to the case in hand. Accordingly, he urged for

dismissal of the instant petition.

14. I have carefully analyzed the rival submissions, as narrated above, and also perused the scan case diary as well as the entire case record.

15. There can be no doubt with regard to the proposition that there is no hard and fast rule regarding grant or refusal to grant bail and each case must

be considered on its individual facts and circumstances and on its own merits. While deciding an application for bail, the Court must exercise its

jurisdiction on the basis of a few settled principles having regard to the facts and circumstances of the case. The said principles can be summarized as

follows:

(i) the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution;

(ii) reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses;

(iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence;

(iv) character, behaviour and standing of the accused and the circumstances which are peculiar to the accused;

(v) larger interest of the public or the State and similar other considerations.

[Vide P. Chidambaram v. CBI, (2020) 13 SCC 337]

16. Keeping in mind the aforesaid settled principles let me now advert to the present controversy. From a careful evaluation of the materials on

record, statements of witnesses and the findings of the investigation, it appears that there is a prima facie case against the petitioner. Statements of at

least five witnesses available in the case diary clearly reveals monetary transactions with the petitioner in the alleged scam. The attendant facts and

circumstances of the case show that the petitioner had played a pivotal role in the conspiracy to leak the question paper and to make it available to the

candidates from whom the petitioner had taken money by promising them job of sub-inspector in Assam Police. He was actively involved in

conducting mock test by providing the leaked question paper to some candidates at Hotel Bhargav Grand which is owned by his relatives as

specifically indicated earlier in this order. He also arranged accommodation for the said candidates who paid money for the leaked question paper.

The investigation also revealed that the petitioner had destroyed crucial evidence to cover up the commission of the offences. There is also no denial

of the fact that the petitioner had fled away from Guwahati with the help of his associates after the cancellation of the examination to avoid arrest.

17. Recruitment scam in Government Service like the present one undermines public confidence in the system. It causes grave injustice to the

deserving and meritorious candidates who burn midnight oil to get selected in the service. Such scams are, therefore, considered as anathema to public

and societal interest.

18. While personal liberty of an individual being considered as sacrosanct under Article 21 of the Constitution of India, it is necessary to examine

whether such liberty can be upheld when it is pitted against greater public interest. In this context, the Honâ€™ble Supreme Court in Masroor v. State

of U.P., (2009) 14 SCC 286 aptly observed as follows:

â€œ15. There is no denying the fact that the liberty of an individual is precious and is to be zealously protected by the courts. Nonetheless,

such a protection cannot be absolute in every situation. The valuable right of liberty of an individual and the interest of the society in

general has to be balanced. Liberty of a person accused of an offence would depend upon the exigencies of the case. It is possible that in a

given situation, the collective interest of the community may outweigh the right of personal liberty of the individual concerned.â€

19. It is pellucid from the above that in appropriate cases public interest would prevail over personal liberty of an individual. In other words, a person

accused of committing an offence affecting public and societal interest may not be enlarged on bail by a Court of law.

20. As already discussed above, the learned counsel for the petitioner while arguing the case referred to the case of Arnab Manoranjan Goswami

(supra) where the Honâ€™ble Apex Court had granted interim bail to the appellant, a TV journalist, was alleged to have committed abetment of

suicide of a private contractor who was involved in the business of architecture and interior designing. I am, however, of the respectful opinion that the

facts of the said case and the present one are clearly distinguishable. One must not forget that the present case deals with a scam in the recruitment

of sub-inspectors in Assam Police in which 66,253 candidates were supposed to participate causing widespread public outrage and frustration amongst

the deserving and meritorious candidates who aspired to get through the recruitment examination by dint of their ability, hard work and perseverance.

21. I am further of the respectful opinion that the present case will not fall within the purview of the guidelines, issued by the Honâ€™ble Apex Court

in Suo Motu Writ Petition (C) No.1/2020 (supra) in reference to the case of Arnesh Kumar (supra) for releasing prisoners of jail to contain the spread

of Covid-19 virus therein as referred to by the learned counsel appearing for the petitioner. The charge-sheet reveals that petitioner and other prime

accused persons prima facie entered into a conspiracy with Sanjit Krishna, the then Superintendent of Police, Karimganj to leak the question paper.

Sanjit Krishna had leaked the question paper and thereby committed the offence defined in Section 409 of the IPC which prescribes imprisonment for

life as a mode of punishment. Now, according to Section 120B(1) of the IPC, any person who is a party to a criminal conspiracy to commit an offence

punishable inter-alia with imprisonment for life, shall be punished in the same manner as if he had abetted such offence. Again Section 109 of the IPC

provides that the abettor of the offence shall, if the act abetted is committed in consequence of the abetment, punished with the punishment provided

for the offence. As such, it appears that if the petitioner is convicted under Section 120B of the IPC, which is an independent offence, after trial, he

may be sentenced to imprisonment for life for having committed criminal conspiracy to commit the offence under Section 409 of the IPC. In the

circumstances, the aforesaid guidelines will not be applicable to the present case.

22. Long detention per se cannot be a ground to grant bail to a person who is accused of a serious and grave offence having a far-reaching social

impact. The recruitment scam of the present case had shocked the conscience of the people of the State of Assam and had shaken the credibility of

the public service recruitment process. In this regard, I may profitably refer to the case of State of Bihar v. Amit Kumar, (2017) 13 SCC 751 where

the Honâ€™ble Supreme Court had the occasion to deal with a similar matter. The pertinent observations of the Honâ€™ble Court are extracted

hereunder:

â€œ8. A bare reading of the order impugned discloses that the High Court has not given any reasoning while granting bail. In a mechanical

way, the High Court granted bail more on the fact that the accused is already in custody for a long time. When the seriousness of the

offence is such the mere fact that he was in jail for however long time should not be the concern of the courts. We are not able to appreciate

such a casual approach while granting bail in a case which has the effect of undermining the trust of people in the integrity of the

education system in the State of Bihar.

9. We are conscious of the fact that the accused is charged with economic offences of huge magnitude and is alleged to be the

kingpin/ringleader. Further, it is alleged that the respondent-accused is involved in tampering with the answer sheets by illegal means and

interfering with the examination system of Bihar Intermediate Examination, 2016 and thereby securing top ranks, for his daughter and other

students of Vishnu Rai College, in the said examination. During the investigation when a search team raided his place, various documents

relating to property and land to the tune of Rs 2.57 crores were recovered besides Rs 20 lakhs in cash. In addition to this, allegedly a large

number of written answer sheets of various students, letterheads and rubber stamps of several authorities, admit cards, illegal firearm, etc.

were found which establishes a prima facie case against the respondent. The allegations against the respondent are very serious in nature,

which are reflected from the excerpts of the case diary. We are also conscious of the fact that the offences alleged, if proved, may

jeopardise the credibility of the education system of the State of Bihar.

13. We are also conscious that if undeserving candidates are allowed to top exams by corrupt means, not only will the society be deprived

of deserving candidates, but it will be unfair for those students who have honestly worked hard for one whole year and are ultimately

disentitled to a good rank by fraudulent practices prevalent in those examinations. It is well settled that socio-economic offences constitute a

class apart and need to be visited with a different approach in the matter of bail [Nimmagadda Prasad v. CBI, (2013) 7 SCC 466 : (2013) 3

SCC (Cri) 575; Y.S. Jagan Mohan Reddy v. CBI, (2013) 7 SCC 439 : (2013) 3 SCC (Cri) 552] . Usually socio-economic offence has deep-

rooted conspiracies affecting the moral fibre of the society and causing irreparable harm, needs to be considered seriously.

15. Having bestowed our thoughtful consideration to the gravity of the offence and several other crucial factors which are discussed in

detail in preceding paragraphs, we are of the opinion that it is not advisable to release the respondent-accused on bail at this stage.

Accordingly, without expressing any opinion on final merits of the case, we set aside the order of the High Court. The appeal stands

allowed.â€

(Emphasis is mine)

23. Adverting to the present case, it is prima facie revealed from the investigation that the petitioner was one of the kingpins of the recruitment scam.

As opined by the Honâ€™ble Apex Court in Amit Kumar (supra), the offences in present case being socio-economic in nature, a different approach

must be taken while considering a bail application. It has already been noticed that the petitioner had fled away from Guwahati to avoid arrest

immediately after cancellation of the examination and he was apprehended by police at the Indo-Nepal border while trying to flee to Nepal. He had

also destroyed vital evidence to cover up his wrongdoings. The petitioner is a retired DIG (Deputy Inspector General of Police) of Assam Police

having considerable influence in his erstwhile department. In the circumstances, it appears to me that the petitioner poses â€œflight riskâ€ in the sense

that, if released on bail, he may again flee from justice which would ultimately delay or frustrate the trial of the case. Besides, the petitioner may also

tamper with witnesses and other evidence of the case, as he is an influential man. The charge-sheet discloses that the petitioner had criminally

intimidated the mother of one candidate for the aforesaid recruitment. I am, therefore, of the considered view that the enlargement of the accused in

bail will not be conducive in view of the nature of his involvement in the alleged offences as well as for a fair and speedy trial.

24. In view of the discussion above and reasons recorded therein, the prayer for bail of the petitioner is rejected.

25. Before parting with the record, I wish to make it clear that the opinions and views expressed by this court hereinabove are only for the limited

purpose of deciding this bail application and the same should not be construed as opinions on the merit of the case.

26. This bail application stands disposed of accordingly.