2026:GAU-AS:16880

THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

PRINCIPAL SEAT AT GUWAHATI

Bail Appln. No. 3614/2026

1. **Sri. Amit Swargiary**, S/o-Lt. Mahindra Swargiary, R/o-Shivam Apartment, 1C, Jalukbari P.O.-Jalukbari, P.S.-Jalukbari, Kamrup, Assam.

……*Accused-applicant*

VERSUS

1. **The State of Assam**, represented by the Standing Counsel of CM Vigilance, Assam.

……*Respondent*

For the Applicant(s) : Mr. R. De, Advocate

For the Respondent(s) : Mr. P. Kataki, Senior Advocate/Special PP.
Mr. P. Dutta, Addl. P.P.

BEFORE
HON'BLE MR. JUSTICE ANJAN MONI KALITA

Date(s) of Hearing	:-	11.11.2026
Date on which judgment is reserved	:-	11.11.2026
Date of pronouncement of judgment	:-	17.11.2026
Whether the pronouncement is of the operative part of the judgment?	:-	N/A
Whether the full judgment has been pronounced?	:-	Yes

JUDGMENT & ORDER (CAV)

(A.M. Kalita, J)

Heard Mr. R. De, learned counsel appearing for the accused-applicant. Also heard Mr. P. Kataki, learned Senior Counsel/Special PP, assisted by Mr. P. Dutta, learned Addl. PP, CM's Special Vigilance Cell.

2. This is an application, under Section 483 of the BNSS, 2023, praying for grant of bail to the accused-applicant in connection with C.M. Vigilance P.S. Case No. 14/2026, registered under Sections 120(B)/403/419/420/468/471/406/409/166 of the Indian Penal Code, read with sections 13(1)(a)/13(2) & 12 of the Prevention of Corruption Act, 1988.

3. The gist of the case is that on the basis of a preliminary enquiry, an FIR was lodged on 02.09.2026 by SI Nipu Kalita of CM's Vigilance Cell, Assam, which is registered as CM's Vigilance PS Case No. 14/2026 on 30.05.2026, alleging that one Sri Romen Chandra Borthakur submitted a complaint petition against Sri Debeswar Borah, ACS, regarding his criminal misconduct by using his official position to illegally enrich himself. On the approval of the Hon'ble Chief Minister, Assam dated 29.08.2026, the said FIR was lodged. The FIR outlines allegations against the aforesaid Debeswar Bora for having systematically engaged in extortion, fraud, and embezzlement of government funds from 2022 to 2026. The FIR also highlights cases involving fake tender processes, illegal gratification of transfers, and the impersonation of voices of senior government officials in Assam Secretariat by a co-accused and thereby, the prime accused, Debeswar Bora, deceived various business owners and

individuals and thereby misappropriated huge amounts of money in his official capacity.

4. The accused-applicant, *Amit Swargiary* was also implicated in the said case, alleging that he had entered into a criminal conspiracy with the prime accused, Sri Debeswar Bora and allegedly impersonated government officials over telephone calls for the purpose of deceiving persons and facilitating alleged illegal transactions, whereby the prime accused, Debeswar Bora induced and forced people to pay certain moneys to him. It is also alleged that Rs. 3 lakhs was credited to the accused-applicant's bank account associated with M/S DB Enterprise, and that the said amount constituted part of the alleged illegal transaction connected with the activities of the prime accused, namely, Debeswar Bora.

5. On receipt of the FIR, the Officer-in-Charge of CM Vigilance Police Station registered CM Vigilance PS Case No. 14/2026, under the aforementioned sections.

6. During the investigation, the accused-applicant was arrested on 17.09.2026, and since then, for the last 56 days, the accused-applicant is behind bars.

7. The learned counsel appearing for the accused-applicant submits that the accused-applicant is a family friend of the prime accused, Debeswar Bora, as the accused-applicant's father used to be known to the prime accused, Debeswar Bora. He submits that the relationship is purely of personal nature and only because there is a relationship, the same cannot be termed as getting into a criminal conspiracy with the prime accused, Debeswar Bora. He submits that the accused-applicant never impersonated any government official,

or senior government functionary, or any other person to deceive anybody and helped the prime accused, Debeswar Bora to deceive any person, thereby enriching himself illegally. He submits that the amount of Rs. 3 lakhs as mentioned is actually a personal loan from Debeswar Bora, the prime accused for meeting the medical treatment expenses of his aged mother. He submits that the money has been received only as financial assistance and that cannot be, in any way, termed as illegal money received due to any criminal conspiracy involved by him with the prime accused, namely, Debeswar Bora. He submits that other than the aforesaid Rs. 3 lakhs, no amount has been credited to his bank account from any account which may have any remote connection to the aforesaid prime accused, Debeswar Bora. He submits that an earlier bail application moved by the accused-applicant has been dismissed by this court only on the ground that the investigation of the matter is at a very nascent stage at that point of time. Therefore, he submits that the accused-applicant is already behind bars for 56 days and he has not been interrogated by police in connection with the instant case. He submits that the accused-applicant is innocent and he will cooperate with the investigation in the event of his release on bail.

8. Mr. P. Kataki, learned Special PP, CM Vigilance Cell, Assam, on the other hand, opposes the prayer of the bail of the accused-applicant in the instant case. He submits that during the investigation, the accused-applicant has himself admitted about receiving the money from the aforesaid Debeswar Bora for assisting him in impersonating the voices of government officials over telephone. He further submits that banking transactions further disclosed that the accused-applicant received monetary

consideration on different occasions in respect of such activities from third-party entities/persons, including M/s. K.K. Enterprise and D.B. Enterprise, with whom the accused-applicant do not have any independent business relationship. He submits that the materials collected indicate such entities were connected to or dealt with by the prime accused, Debeswar Bora, and therefore, there cannot be any reason for the accused-applicant, who is totally unknown to the aforesaid two enterprises, can receive money from the aforesaid two enterprises. He submits that the materials during investigation show *prima facie* financial nexus between the accused-applicant and the prime accused, Debeswar Bora. It is also submitted that the prime accused, Debeswar Bora could have financially helped the accused-applicant by giving him the loan amount from his own account due to the accused-applicant's help to the prime accused, Debeswar Bora. In view of the aforesaid, since there are sufficient materials against the accused-applicant regarding his involvement in the offence as narrated in the FIR, the learned Special Public Prosecutor opposes the prayer of bail of the accused-applicant.

9. Case Diary in the instant case has been received and the same is perused. This Court has also considered the submissions made by the learned counsel appearing for the respective parties.

10. This court has also gone through the bank statements of the accused-applicant, i.e., SBI Account No. 20272861812, wherein an amount of Rs. 3 lakh has been seen to have been credited on 18.10.2025. Other than the aforesaid amount, no major amount beyond Rs. 10,000/- has been seen to have been credited in the aforesaid account.

11. Taking into consideration the fact that the accused-applicant is behind bars for last 56 days and also taking into account of the fact that the accused-applicant has not been interrogated by the police in the instant case, this court is of the considered opinion that the accused-applicant should be granted bail at this stage. Accordingly, it is directed that the accused-applicant shall be released on bail on furnishing of a bail bond of Rs. 30,000/- (Thirty Thousand) with a surety of like nature to the satisfaction of the learned Special Judge, Assam, Guwahati, subject to the following conditions:

(1) That the accused-applicant shall cooperate with the investigation and make himself available as and when called for;

(2) That the accused-applicant shall not tamper with the evidence or influence any witness;

(3) *That the accused-applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.*

12. In view of the aforesaid, the bail application is disposed of as allowed.

JUDGE

Miriam Degu
(SPA)