

GAHC040010472023



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

Case No. : AB/47/2023

Techi Yacha
Wife of Sri Tarh Taram Mathing,
Permanent Resident of Jully Village, PO/PS Chimpu, District Papum Pare, Arunachal Pradesh.
Mobile No. 9863128864

VERSUS

THE STATE OF AP
Represented by the Public Prosecutor.

Advocate for the Petitioner : 1 U Bori

Advocate for the Respondent : SPL.P.P.

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 18.08.2023

Heard Mr. U. Bori, learned counsel for the applicant. Also heard Mr. O. Pada, learned Special Public Prosecutor for the SIC (VIG).

This is an application, under Section 438 of the Cr.P.C., praying for grant of pre-arrest bail to the accused applicant, namely, *Smti Techhi Yacha* in connection with SIC (VIG) P.S. Case No. 02/2023, under Sections 120(B)/420/468/471/409 IPC *read with* 13(2) PC Act, 1988.

The aforesaid SIC (VIG) P.S. Case No. 02/2023, under Sections 120(B)/420/468/471/409 IPC *read with* 13(2) PC Act, 1988 was registered on 07.07.2023 on the basis of a Letter, dated 06.07.2023 written to the Superintendent of Police, SIC (VIG), Itanagar, by the Under Secretary (VIG), Govt. of Arunachal Pradesh, Itanagar, vide no. VIG-101/2023/1102 for registration of a regular case in the matter pertaining to illegal appointment of 28 Primary Teachers (PRTs) at Longding district. The allegation in the F.I.R. is regarding an appointment made to as many as 28 PRTs in violation of the recruitment rules and for extraneous consideration.

Pursuant to the order of this Court, dated 08.08.2023, the learned Special Public Prosecutor has produced the Case Diary for perusal of this Court.

On perusal of the Case Diary produced, it appears that during the course of investigation, one Shri Jomdo Lona, former DDSE Longding and

one Shri Jashi Wangsu, accountant in the establishment of DDSE Longding have been arrested. Shri Jomdo Lona, former DDSE Longding, in the statement given to the Police has revealed the details of how each of the appointments were made at the behest of one Shri Jitendra Tiwari, retired JT/TGT, now Liasoning Officer for the Hon'ble Minister, Education, Govt. of Arunachal Pradesh and Shri. Taba Penka, of the Department of Education Govt. of Arunachal Pradesh.

From reading of the statement of Shri Jomdo Lona, former DDSE Longding, it appears that the appointments of all the 28 PRTs as alleged in the F.I.R. were made at the behest of the above mentioned two persons, namely, Shri Jitendra Tiwari, retired JT/TGT, now Liasoning Officer for the Hon'ble Minister, Education, Govt. of Arunachal Pradesh and Shri. Taba Penka, of the Department of Education Govt. of Arunachal Pradesh.

Though the above disclosure was made by Shri Jomdo Lona, former DDSE Longding, in the statement recorded on 28.07.2023, the Case Diary does not indicate that Shri Jitendra Tiwari, retired JT/TGT, now Liasoning Officer for the Hon'ble Minister, Education, Govt. of Arunachal Pradesh and Shri. Taba Penka, of the Department of Education Govt. of Arunachal Pradesh have been investigated in any manner.

The Case Diary further reveals that each of the 28 PRT appointees, including the petitioner, were in touch with either of the persons named by Shri Jomdo Lona, former DDSE Longding.

Thus, it appears that a lot more remains to be revealed, once, the investigation of the case is completed in right earnest by the investigating agency.

Under the circumstances discussed hereinabove, I am of the view that the applicant cannot be granted the privilege of pre-arrest bail in connection with SIC (VIG) P.S. Case No. 02/2023, under Section 120(B)/420/468/471/409 IPC *read with* 13(2) PC Act, 1988, at this stage.

Accordingly, the anticipatory bail application filed by the applicant seeking pre-arrest bail in connection with SIC (VIG) P.S. Case No. 02/2023, under Section 120(B)/420/468/471/409 IPC *read with* 13(2) PC Act, 1988 is hereby rejected and stands dismissed being devoid of merit.

JUDGE

Comparing Assistant