



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

Case No. : BA/94/2023

Smti Amo Wangsu
W/o Shri Jashi Wangsu, resident of Longding, New Colony, PO/PS Longding, District
Longding, Arunachal pradesh.

VERSUS

THE STATE OF AP
represented by Special Public Prosecutor

Advocate for the Petitioner : Pritam Taffo

Advocate for the Respondent : Ojing Pada

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 04.10.2023

Heard Mr. P. Taffo, learned counsel for the petitioner. Also heard Mr. O. Pada, learned Special Public Prosecutor for the SIC (Vigilance).

This is an application, under Section 439 of the Cr.P.C., 1973, for granting bail to the accused, namely, Shri Jashi Wangsu in connection with SIC (Vig) Case No. 02/2023, under Sections 468/420/409/120(B) IPC read with

Section 13(2) of PC Act, 1988.

The accused, Shri Jashi Wangsu was arrested in connection with the aforesaid SIC (Vig) Case No. 02/2023, on 02.08.2023.

The aforesaid SIC (Vig) Case No. 02/2023, was registered pursuant to a letter dated, 06.07.2023, written to the Superintendent of Police, SIC (VIG) by the Under Secretary (Vigilance), Government of Arunachal Pradesh, Itanagar, vide File No. VIG-101/2023/1102 regarding registration of regular case pertaining to illegal appointment of 28 PRTs of Longding District.

The accused Shri Jashi Wangsu, arrested on 02.08.2023 in connection with the aforesaid SIC (Vig) Case No. 02/2023 had filed a bail application through his wife Smti Amo Wangsu being BA No. 191/2023 for grant of bail in the SIC (Vig) Case No. 02/2023 before the Court of Special Judge (PCA), Yupia, which was rejected by the learned Court on 18.08.2023. Thereafter, the wife of the accused had filed another bail application being BA No. 209/2023 in connection with the aforesaid SIC (Vig) Case No. 02/2023 for grant of bail to the accused, Shri Jashi Wangsu, which was again rejected by the learned Court of Special Judge (PCA), Yupia, vide Order dated, 25.09.2023.

The accused/applicant has now filed this instant bail application for granting bail to the accused Shri Jashi Wangsu in connection with SIC (Vig) Case No. 02/2023, under Sections 468/420/409/120(B) IPC read with Section 13(2) of PC Act, 1988.

Though this bail application was listed on 27.09.2023, 28.09.2023 and 03.10.2023, the Case Diary of the SIC (Vig) Case No. 02/2023 was not called

for by this Court. However, since the Case Diary of the SIC (Vig) Case No. 02/2023 was called for by this Court in connection with some other bail applications, and the same was available with the Special Public Prosecutor for the SIC (VIG), the case Diary has been placed before this Court for perusal.

It has been submitted by the learned Special Public Prosecutor for the SIC (VIG) that so far, only 2(two) persons have been arrested in connection with SIC (Vig) Case No. 02/2023, namely, Shri Jomdo Lona, former DDSE, Longding District and Shri Jashi Wangsu, former Accountant In-charge of the office of the DDSE, Longding.

The accused Shri Jomdo Lona was arrested on 27.07.2023 and the accused Shri Jashi Wangsu was arrested on 02.08.2023.

The accused Shri Jomdo Lona, former DDSE, Longding District has been granted bail by the learned Court of Special Judge (PCA), Yupia, vide order dated, 07.09.2023 passed in BA No. 187/2023 in connection with SIC (Vig) Case No. 02/2023.

It has been submitted by the learned counsel for the petitioner that the present accused Shri Jashi Wangsu was working as an Accountant In-charge in the office of the DDSE, Longding District under the supervision and administrative control of the then DDSE, Longding, namely, the accused Shri Jomdo Lona.

On perusal of the Order dated, 07.09.2023 passed by the learned Court of Special Judge (PCA), Yupia in BA No. 187/2023 in connection with SIC (Vig) Case No. 02/2023, whereby, the accused Shri Jomdo Lona, the former

DDSE, Longding District has been granted bail, it is noticed that when the bail application filed for release of the accused Shri Jomdo Lona on bail was argued before the learned Court of Special Judge (PCA), Yupia, the Officer In-charge of the case did not raise any objection on the prayer for grant of bail to the accused Shri Jomdo Lona on the ground that the accused Shri Jomdo Lona had consented to be an approver and that he has been co-operating with the investigation.

The fact that the Officer In-charge of the case did not raise any objection to grant bail to the accused Shri Jomdo Lona can be noticed in Paragraph-8 of the Order, dated 07.09.2023 passed by the learned Court of Special Judge (PCA), Yupia, in BA No. 187/2023 in connection with SIC (Vig) Case No. 02/2023.

On perusal of the statement recorded of the accused Shri Jashi Wangsu, under Section 161 of the Cr.P.C., in the Case Diary, it is noticed that the accused was involved in the appointment of illegal PRTs in the District of Longding, but, the same was done with the active involvement of the accused, Shri Jomdo Lona, the then DDSE, Longding, under whose administrative supervision and control, the accused Shri Jashi Wangsu was working in the office of the DDSE, Longding.

The confessional statement recorded under Section 164 Cr.P.C., of the accused, Shri Jomdo Lona has also been made available in the Case Diary.

On perusal of the confessional statement of the accused Shri Jomdo Lona, recorded under 164 Cr.P.C., who has been granted bail by the learned Court of Special Judge (PCA), Yupia, it is noticed that the accused, Shri Jomdo Lona, in his statement had taken several names who were involved in

the offence alleged, including the name of one Shri Taba Pinka and Shri Jitendra Tiwari, who, according to the accused, Shri Jomdo Lona, were the one who brought the appointment orders and joining reports of the PRTs appointed illegally on different occasions.

On further perusal of the Case Diary, it is noticed that on 26.09.2023 at 11.30 hrs, Shri Taba Pinka had appeared before the I/O in connection with SIC (Vig) Case No. 02/2023 pursuant to a summon served upon him. He was examined by the SIC team and his statement under Section 161 Cr.P.C., was recorded, a copy of which statement is to be found in the Case Diary.

On the same date, on 26.09.2023 at 17.30 hrs, another summmonee, Shri Jitendra Tiwari, who has been named by the accused Shri Jomdo Lona had also appeared before the I/O. He was also examined and his statement was recorded under Section 161 of the Cr.P.C. But surprisingly a copy of the statement recorded of Shri Jitendra Tiwari has not been made available in the Case Diary.

The Case Diary reveals that the aforesaid accused persons Shri Taba Pinka and Shri Jitendra Tiwari are the prime brokers in the illegal appointment of the PRTs.

On consideration of the matter in its entirety, if the custody of the accused Shri Jomdo Lona, the former DDSE, Longding, who was arrested on 27.07.2023 is no longer required by the I/O as can be gathered from the fact that the I/O had not raised any objection on the bail application filed for release of the accused Shri Jomdo Lona in the Order, dated 07.09.2023 passed by the learned Court of Special Judge (PCA), Yupia in BA No. 187/2023 in connection with SIC (Vig) Case No. 02/2023 as highlighted

hereinabove; and also, if, the custodial interrogation of the prime accused, namely, Shri Taba Pinka and Shri Jitendra Tiwari, who have been named by the accused Shri Jomdo Lona and Shri Jashi Wangsu as the prime brokers in the illegal appointment of the PRTs, are not deemed required as they have not been taken into custody despite their appearance before the I/O on 26.09.2023 as already noted herein above, there can be no justifiable ground for further detention of the accused Shri Jashi Wangsu, who was working as an Accountant In-charge in the office of the DDSE, Longding under the supervision and administrative control of the accused Shri Jomdo Lona, the then DDSE, Longding.

For the sole reason recorded herein above; without, however, expressing any opinion on the merit of the case, this bail application is allowed.

Accordingly, the accused Shri Jashi Wangsu, who was arrested on 02.08.2023 by the SIC (VIG) in connection with SIC (Vig) Case No. 02/2023, under Sections 468/420/409/120(B) IPC read with Section 13(2) of PC Act, 1988, shall be released on bail on furnishing a bail bond of Rs. 10,000/- (Rupees Ten Thousand) with one surety of like amount to the satisfaction of the learned Court of Special Judge (PCA), Yupia.

JUDGE

Comparing Assistant