

GAHC040015322023



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

Case No. : AB/81/2023

Rudra Bahadur Thupa
S/o Shiv Kumar Thapa, resident of Village Peon Line, PO/PS tezu, Dist. Lohit,
Arunachal Pradesh.

VERSUS

THE STATE OF AP
represented by S.P.L Public Prosecutor

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : SPL.P.P.

**BEFORE
HONBLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 12-12-2023

Heard Mr. Sunil Mow, learned counsel for the applicant and also heard Mr. O. Pada, learned Special PP for the State.

The petitioner has filed this application under section 438 Cr.PC, 1973 praying for grant of pre arrest bail, apprehending his arrest in connection with SIC(VIG) PSC/No. 04/2023 under section 120(B)/420/468/471/409 of IPC R/W section 13 (2) of PC Act, 1988.

The learned counsel for the petitioner submits that the accused/applicant is a simple Clerk in the Office of DDSE at Anjaw District and he does not have any authority or power to make any appointment whatsoever, warranting him to be implicated in the instant case. Apart from seeking bail on merit, the petitioner also prays for grant of pre arrest bail on medical ground.

Basing on the above prayer made by the petitioner, this Court by an order dated 21.11.2023, while calling for the CD has granted interim protection to the accused/applicant directing that in the event of arrest of the accused/applicant Shri Rudra Bahadur Thupa by the police in connection with SIC(VIG) PSC/No. 04/2023 under section 120(B)/420/468/471/409 of IPC R/W section 13 (2) of PC Act, 1988; he shall be released on interim pre-arrest bail on furnishing a bond of Rs. 25,000/- with a surety of like amount to the satisfaction of the arresting authority subject to the condition that he shall appear before the I.O. of the case as and when required.

On the other hand, Mr. O. Pada. Learned Special PP while objecting the grant of pre-arrest bail to the petitioner, submits that Shri Rudra Bahadur Thupa was serving as LDC cum I/c Accountant of DDSE Office, Anjaw when the fake appointments of PRTs and MTSS under DDSE Office, Anjaw was made. And he was responsible for generation of service sheets of all the alleged fake 21 PRTs and 02 MTSS appointed under DDSE Office Anjaw. The salaries of fake PRTS and MTSS including preparation of treasury bills and pay A-rolls of the fake PRTs and MTSS were made by him and as such, had a prior knowledge about the existence of illegally appointed PRTs and MTSS under DDSE, Anjaw from the start of the scam. And for the said illegal work done by him, the accused/applicant had received a considerable amount of money. The learned Special PP further submits that after obtaining the interim protection from this Hon'ble Court, the accused/applicant Shri Rudra Bahadur Thupa appeared before the I.O of the case along with another accused Midak Riba and as per the status report of the IO of the case, on 07.12.2023, the accused/applicant Shri Rudra Bahadur Thupa along with Midak Riba in their statements under 161 Cr.PC has made ultimate attempt to hide the facts of the case and revealed only partially. More facts are yet to be ascertained from Shri Rudra Bahadur Thupa through sustained examination and in case, the accused is enlarged on bail, it is likely that the accused/applicant Shri Rudra Bahadur Thupa would hide vital facts and figures required for progress in investigation.

Thus, the learned Special PP vehemently opposes the grant of anticipatory bail to the accused/applicant Shri Rudra Bahadur Thupa and stated that the accused has access to various office records and there are chances of him tampering or hampering of evidence if he is granted bail.

Upon hearing the parties and on perusal of the record produced before

this Court, prima facie there is a strong incriminating material found against the accused for his involvement in the commission of the alleged offence and accordingly I am of the considered view that the accused is not entitled for extension of the benefit of pre-arrest bail. Therefore, I am not inclined to grant further extension of the interim anticipatory bail granted to the accused on 21.11.2023. The accused/applicant has failed to produce any relevant medical document today and has not pressed for bail on medical ground. And as the case is still under active investigation, I am not inclined to grant anticipatory bail to the accused/applicant at this stage.

Accordingly, this bail application is rejected and disposed of.

Send back the CD immediately.

JUDGE

Comparing Assistant