

GAHC010022172023



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

Case No. : AB/330/2023

TERISA HOJAI
D/O- SRI RADHANANDA HOJAI, R/O- VILL.- GAMADI HAWAR, P.O. AND P.S.
HARANGAJAO, DIST. DIMA HASAO, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR B KAUSHIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09-03-2023

Heard Mr. B. Kaushik, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Addl. P.P., Assam for the State respondent

This petition under Section 438 Cr.P.C. has been filed seeking pre-arrest bail of the petitioner, namely, Ms. Terisa Hojai in connection with Dwarbond P.S. Case No. 12/2023 under Sections 177/211/354/509 of the IPC.

It is submitted by the learned counsel for the petitioner that from the statement made in the FIR no case has been made out either any of the sections under which the case has been registered. However, the FIR was registered on the complaint of the Registrar, Assam University, Silchar against the petitioner

that the petitioner has raised some unfounded allegations against Dr. Ajita Tiwari, Head of the Department In-charge, Department of Agricultural Engineering, Assam University, Silchar.

However, it is submitted by the learned counsel for the petitioner that the petitioner was appointed as Laboratory Attendant (ST) since last 2017 at consolidated fixed remuneration of Rs. 8,000/- per month. The petitioner requested on several occasions for the further extension of her service after serving till the month of June, 2022. As the service of the petitioner was not extended the petitioner asked for release of her salary for the month of May, 2022 and June, 2022 but the petitioner's file was not processed for releasing her salary and extension of her service. Finding no alternative the petitioner on 29.07.2022 through proper channel via Email addressed the Vice Chancellor, Assam University requesting for releasing her salary and extension of her service. The petitioner also sent reminder mails on 23.11.2022 and 03.01.2023 but no response was received from the concerned authority. And with some false and concocted allegations F.I.R. has been lodged and hence finding no other alternative the petitioner has approached before this Court by filing the present petition under Section 438 Cr.P.C. seeking pre-arrest bail.

In this context, the learned Addl. P.P. has submitted that after obtaining the interim pre-arrest bail the petitioner appeared before the I.O. and she was interrogated by the I.O. It also reveals that the statement of both the victim as well as the informant has already been recorded by the I.O. It is seen that the accused denied all the allegations made against her. It is reported by the I.O. that during the course of investigation Dr. Ajita Tiwari, Head of the Department In-charge, Department of Agricultural Engineering, Assam University, Silchar has also been examined. Further, it is submitted that if the petitioner is granted pre-arrest bail she may be directed to co-operate with the investigation of this case.

After hearing the submissions of the learned counsel for the parties and considering the materials so far collected against the petitioner, I find that custodial interrogation is not necessary in this case and fit to extend privilege of pre-arrest bail to the present accused petitioner and accordingly the interim pre-arrest bail granted on 06.02.2023 is hereby made absolute with the same directions and conditions.

The bail application is disposed of.

JUDGE

Comparing Assistant