

GAHC010140492023



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

Case No. : Bail Appln./2278/2023

ROMEZUDDIN AHMED
S/O- LATE MIR KASIM, R/O- DAKHIN GAON, EID GAON PATH, P.O.
KAHILIPARA, GUWHAATI-19, DIST.- KAMRUP (M)

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 25.07.2023

Heard Mr. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. M. Phukan, learned Public Prosecutor representing the State for Assam.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Romezuddin Ahmed, who has been detained behind the bar since 03.05.2023 in connection

with Vigilance Police Station Case No. 03/2023 under sections 120(B)/406/409/420/201/471 of the IPC read with Section 7A/12/13 (1) (a)/13(2) of the Prevention of the Corruption Act, 1988 read with section 8 of the Assam Financial Responsibility and Budget Management Act 2005 read with Section 41 of the Assam Public Procurement Act, 2017.

The accusation in this case is that on 03.05.2023 one Pritom Saikia Inspector of Police, Chief Minister's Special Vigilance Cell, Assam lodged and an FIR before the Officer-in-Charge, Vigilance Police Station Chief Minister's Special Vigilance Cell, Assam, *inter-alia*, alleging that on an enquiry conducted by Additional Chief Secretary to the Govt. of Assam, Food Civil Supplies and Consumer Affairs Department, it was found that one Smti Sewali Devi Sarma, ACS Officer and the then Executive Chairman cum Director of Open and Distance Learning (ODL) opened 347 numbers of study centres and enrolled 1,06,828 numbers of trainees against the approved numbers of 27,897 trainees and misappropriated huge amount of Government fund and it is also alleged that the main accused Smti Sewali Devi Sarma in connivance with other named accused including the petitioner misappropriated Government revenue amounting to Rs. 105 crores.

On receipt of the said FIR Vigilance Police Station Case No. 03/2023 has been registered.

Learned counsel for the petitioners has submitted that present petitioner was a stenographer of open Distance Learning and an amount of Rs. 5,55,000/- was transferred to his account by Smti Sewali Devi Sarma, the then Executive Chairman cum Director of ODL.

It is also submitted that the petitioner has not committed a criminal misconduct or conspiracy as regards the alleged misappropriation of

Government fund and the petitioner was not entrusted to deal with any such financial transaction and he had rendered his services as stenographers only and worked as per the direction of the main accused, Smti Sewali Devi Sarma, as he was bound to do his official work as per the direction of the Director of Open and Distance Learning cell.

It is also submitted that the petitioner is detained behind the bar since 03.05.2023 and considering the length of detention his further detention may not be necessary for fair completion of Vigilance P. S. Case No. 03/2023 and hence, his bail is prayed for.

Learned Additional Public Prosecutor has objected on the ground that he is involved in the alleged misappropriation of Government fund in connivance with Smti Sewali Devi Sarma causing loss to the revenue to the extent of Rs. 105 crores.

Learned Additional Public Prosecutor also produced the case diary of Vigilance P. S. Case No. 03/2023 before this Court, which was requisitioned in connection with this case.

It is also alleged that the present petitioner was a close confident of the prime accused Smti Sewali Devi Sarma and considering the incriminating materials against him, his release at this stage of the investigation would impede the fair completion of the investigation of the Vigilance P. S. Case No. 03/2023.

I have considered the submissions made by both sides and have perused the materials available on record including the case diary of the Vigilance P. S. Case No. 03/2023.

Though the present petitioner has been detained behind the bar since 03.05.2023, however considering the incriminating materials available against

the present petitioner in the case diary as well as considering the nature of allegations levelled against the present petitioner and the extent of loss to the Government revenue caused by the alleged act of the accused person named in the FIR, release of the present petitioner at this stage, in the considered opinion of this Court would impede the fair conduct of investigation of Vigilance P. S. Case No. 03/2023.

Hence, this Court is of considered opinion that it may not be proper to release the present petitioner, on bail, at this stage, for the sake of fair completion of the investigation of Vigilance P. S. Case No. 03/2023 and accordingly the prayer for bail is rejected at this stage.

Accordingly, this bail application is disposed of.

JUDGE

Comparing Assistant