

GAHC010172632023



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

Case No. : Bail Appln./2790/2023

MANTU KR. DAS
S/O LATE DAYARAM DAS
R/O EAST JYOTINAGAR
P.S. CHANDMARI, GUWAHATI-781021
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR N J DAS
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

22.08.2023

Heard Mr. N. J. Das, learned counsel for the accused petitioner. Also heard Mr. B. B. Gogoi, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Mantu Kr. Das**, has prayed for grant of bail in connection with **Vigilance P.S. Case No. 04/2023** registered u/s **120B/420/406/409** of the IPC read with Section 13(1) (a)/13(2) of P.C. Act.

The Case diary, as called for, is placed before the Court.

It may be mentioned that by order, dated 11.08.2023, this Court granted the privilege of interim bail to the accused petitioner.

The prosecution case, in brief, is that on 22.06.2023, one Durlav Nath, General Secretary, All Sonitpur District Fair Price Shop Dealers Association lodged an F.I.R. before the Chief Minister of Assam, alleging that 2,418.20 quintals of rice under Pradhan Mantri Garib Kalyan Yojana for the months of June and July, 2023 was allotted against 10,173 ration cards of 25,051 poor beneficiaries of Dhekiajuli town and Mijibari Samabai Samiti under Dhekiajuli Constituency. But, instead of distributing the allotted rice amongst the ration card holders the Secretary and other officials of the Society sold the same at high rate and thereby misappropriated Rs.2 crores.

Mr. N. J. Das, learned counsel for the accused petitioner submits that the accused petitioner has filed a complaint dated 13.06.2023 to the Deputy Commissioner, Sonitpur, Assam regarding irregularities committed by one Hemanta Talukdar, Secretary of M/S Dhekiajuli Consumer Co-operative Stores Ltd., Dhekiajuli. Mr. Das further submits that the accused petitioner thereafter filed an offence report on 17.06.2023 wherein he stated that Hemanta Talukdar has misappropriated the rice meant for the beneficiaries and as such, he is liable for prosecution and punishable under Section 7 of the Essential Commodities Act. Mr. Das also submits that on 22.06.2023, one Durlav Nath, General Secretary of All Sonitpur District Fair Price Shop Dealers Association submitted an application addressing the Hon'ble Chief Minister of Assam alleging anomalies in distribution of rice in the Dhekiajuli Town and Mijibari Samabai Samiti. The said complaint was registered as Vigilance PS Case No.4/2023 under Section 120(B)/420/406/409 IPC read with Section 13(1)(a)/13(2) of the Prevention of Corruption Act. Mr. Das further submits that the petitioner was in judicial custody from 14.07.2023 till he was granted the privilege of interim bail for 15 days vide order 11.08.2023.

Upon consideration of the pros and cons of the materials available on the case diary as well as the averments made in the petition along with the documents annexed therewith, this Court finds that custodial detention of the accused petitioner may not be necessary in respect of the ongoing investigation into the case.

Accordingly, the interim bail granted vide order, dated 11.08.2023 is hereby made absolute, subject to the following conditions-

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- (ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant