

GAHC010243162023



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

Case No. : Bail Appln./3876/2023

SHAILENDRA KUMAR CHANCHAL
S/O SRI DESH RAJ
R/O VILL- RANGIA, WARD NO. 7,
P.O. AND P.S. RANGIA
DIST. KAMRUP (R), ASSAM,
PIN-781354

VERSUS

THE STATE OF ARUNACHAL PRADESH
REP. BY THE PUBLIC PROSECUTOR, ARUNACHAL PRADESH.

Advocate for the Petitioner : MR J MAHANTA

Advocate for the Respondent : PP, A P

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

Date : 27-10-2023

Heard Mr. D. Nandi, learned counsel appearing for the petitioner and Mr. N.N.B. Choudhury, learned Public Prosecutor of Arunachal Pradesh.

2. By this application under Section 439 of Code of Criminal Procedure the

petitioner namely Shailendra Kumar Chanchal is seeking bail in connection with SIC Police Station Case No. 15/2020 under Sections 468/471/120(B) of the Indian Penal Code read with Section 13(2) of the Prevention of Corruption Act, 1988 in which the petitioner was arrested on 01.09.2023 and is in custody till date.

3. Mr. D. Nandi, learned counsel for the petitioner has submitted that prior to his arrest Section 41A of Cr.P.C. notice was not served upon him. He has stated that the petitioner is no way connected with the case and simply being taken into custody as because co-accused persons implicated him. It is also submitted on behalf of the petitioner that the provisions of Cr.P.C. have not been followed while he was taken into custody.

4. From the perusal of the status report as well as the scanned copy of the case diary placed before the Court by Mr. N.N.B. Choudhury, learned Public Prosecutor of Arunachal Pradesh, it is seen from such materials that there are sufficient materials regarding involvement of the petitioner with regard to the issuance of fake nursing certificates enabling certain candidates to lead their jobs as ANM/GNM in the State of Arunachal Pradesh as well as Assam along with other accused persons of the case. The petitioner was evading arrest and on the basis of an order issued on 28.08.2023 by the Special Judge (PCA) West Session Division, Yupia on issuance of Non-Bailable Warrant of Arrest, the petitioner was taken into custody on 01.09.2023.

5. The case diary reveals about transaction of huge amount of money either through cash or cheque amongst the petitioner and other accused persons of the case, on receipt of which, the accused persons issued fake nursing certificates to the candidates enabling them to get recruitment as nurses in the category of ANM/GNM in the Health Departments of Arunachal Pradesh and

Assam. The case diary as well as the status report placed before the Court today by Mr. Choudhury also reveals that during the test identification period some of the victims indentified the petitioner who took money from them and supplied fake nursing certificates. The status report reveals that it is only the petitioner who is possessing the knowledge and source of issuance of such fake certificates of nursing and is not cooperating with the investigation regarding issuance of such fake certificates. The case diary also reveals that the petitioner approached one retired Registrar of Assam Nursing Council, Guwahati, Assam in her office as well as her residence seeking affiliation of Arunachal fake nurses to be enrolled in the Assam Nursing Council so as to authenticate the certificates of fake nurses of Arunachal Pradesh.

6. It is stated on behalf of the petitioner that he is suffering from Jaundice.
7. Considering the materials available in the case records and the status report and the note of the Investigating Officer of the said SIC (Vigilance) Police Station Case, this Court is not inclined to release the petitioner on bail considering his period of detention in custody.
8. The jail authorities in which the petitioner is presently lodged in the State of Arunachal Pradesh are directed that they shall provide all the required medical facilities to the petitioner.
9. Return the case diary.
10. A copy of the status report placed before the Court be kept as a part of the record.

JUDGE

Comparing Assistant