

GAHC030001062023



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

Case No. : AB/1/2023

Sh Julius Tongchangya
Chawngte, Lawngtlai District

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent : P.P./Addl.PP, Mizoram

ORDER

B E F O R E

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

24.03.2023

Heard Ms. Ruthi Vanlalhruaii, learned counsel for the petitioner and Ms. Mary L Khiangte, learned Addl. Public Prosecutor.

2. Ms. Ruthi Vanlalhruaii, learned counsel for the petitioner submits that the petitioner apprehends arrest in connection with ACB Case No. 4/2021 dated 22.10.2021, which was registered under Section 120B/409 IPC read with Section 13

(1)(a)(b)/13(2) of the Prevention of Corruption Act, 1988.

3. The petitioner's counsel submits that the petitioner had been appointed as Personal Assistant to the Chairman, Chakma Autonomous District Council (herein after referred to as the CADC), vide Notification dated 27.04.2013. The petitioner's appointment as Personal Assistant to Chairman was to be Co-terminus with the Chairman. Thereafter, vide Office Order No. 40/2014 dated 17.07.2014, the petitioner's appointment as Personal Assistant was made on contractual basis for 1 (one) year with immediately effect. Subsequent to the above Office Order No. 40/2014, the petitioner's service was thereafter regularized as LDC vide Office Order No. 75(A)/2015 dated 21.09.2015.

4. The petitioner's counsel submits that the petitioner apprehends arrest on 3 (three) counts. Firstly, for not attending office, as the petitioner had undergone Computer training in the year 2017 & 2018. She also submits that the petitioner had taken part in the selection process for supplying fish seeds and accordingly, the CADC had selected Julius Fish Seeds Production Centre, of which the petitioner was the proprietor, as the firm who has to supply fish seeds amounting to Rs. 50 Lakhs. The petitioner's counsel submits that the fish seeds were supplied to the CADC and the amount for the same amounting to Rs. 50 Lakhs had been given to the petitioner.

5. The petitioner was selected for running a fish firm on his land and for this purpose, the CADC was to spend Rs. 1.6 Lakhs on the petitioner's land for the project.

6. Ms. Ruthi Vanlalhruii submits that the statement of the petitioner has been taken by the Police on 09.02.2023. Accordingly, no purpose would be served by arresting the petitioner.

7. Ms. Mary L Khiangte, learned Addl. Public Prosecutor strongly objects to the prayer for Anticipatory Bail, on the ground that the petitioner should not have taken

any salary, while actually doing his Bachelor Degree course and Master Degree course in Doon P.G College of Agriculture Science & Technology, Dehradun, Uttarakhand since 2013. Further, the supply of fish was not as per the estimated amount given for the said supply order.

8. Ms. Mary L Khiangte, learned Government Advocate also submits that Rule 50(5)(i) of FR SR Part-III Leave Rules, Chapter-IV and Rule 15 of the Conduct Rules have been violated by the petitioner besides taking Government money, while not being eligible and entitled to do so.

9. On considering the fact that the co-accused Mr. Purna Muni Chakma and Mr. Kali Kumar Tongchangya have both been granted pre-arrest bail and that the statement of the petitioner herein has already been taken by the Police, there does not appear to be any useful purpose in arresting the petitioner. The taking of salary by the petitioner, while studying his Bachelor Degree course and supplying fish seeds in violation of Rule 50(5)(i) of FR SR Part-III Leave Rules, Chapter-IV and Rule 15 of the Conduct Rules can also be considered in a Departmental proceeding, besides the criminal proceeding. This Court is accordingly inclined to grant Anticipatory Bail to the applicant at this stage. Accordingly, the interim pre-arrest bail granted to the petitioner, vide Order dated 10.03.2023, is made absolute.

10. The application is accordingly disposed of.

JUDGE

Comparing Assistant