

GAHC040002632024



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

Case No. : AB/36/2024

Eto Ete
presently serving as Deputy Director of School Education (DDSE), Lohit District,
Tezu, Arunachal Pradesh.

VERSUS

The State of AP
represented by the Spl PP, SIC(VIG)

Advocate for the Petitioner : D Mazumdar, Sr. Advocate

Advocate for the Respondent : Ojing Pada

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 08-04-2024

Heard Mr. D. Mazumdar, learned Sr. counsel assisted by Mr. S. Biswas, the learned counsel for the petitioner. I have also heard Mr. O. Pada, the learned Standing Counsel, SIC(Vig.).

2. Apprehending his arrest in connection with SIC (Vig.) P.S. Case No. 07/2024 under Section 120(B/420/468/471/409 of the Indian Penal Code, 1960 read with Section 13(2) of the Prevention of the corruption Act, 1988, the accused applicant, Shri Eto Ete filed this bail application under Section 438 of the Code of Criminal Procedure, 1973 for the grant of pre-arrest bail.

3. The learned counsel for the petitioner submits that although the police have registered all together 9 cases on the basis of the report submitted by the Director of School Education to the Superintendent of Police, SIC, (Vig.) and registered case, being SIC (Vig.) P.S. Case No. 07/2024 under Section 120(B/420/468/471/409 of the Indian Penal Code, 1960 read with Section 13(2) of the Prevention of the corruption Act, 1988, the case in respect of West Siang District is different, in that, this is the case of regularization of 8 contingent staff to MTS and one on compassionate appointment. It was not an illegal appointment as in the case of other SIC (Vig.) cases. Hence, prays for regularization and making the interim anticipatory bail granted to the accused applicant on 28.02.2024 absolute.

4. By an Order dated 28.02.2024, while calling for the case diary, the accused/applicant was granted interim anticipatory bail with a direction that in the event of his arrest in connection with the

above SIC (Vig.) P.S. Case No. 07/2024, he shall be released on interim pre-arrest bail on execution of bail bond of Rs.20,000/- with certain conditions imposed.

5. Mr. O. Pada, the learned Standing Counsel, SIC(Vig.) has produced the case diary along with the status report and I have perused the same.

6. As per the record, after obtaining interim anticipatory bail, the accused applicant appeared before the I.O (SIC) on 07.03.2024. On his appearance, the I.O (SIC) has examined and took his statement under Section 161 Cr.P.C.

7. The record further reveals that, altogether 8 Contingency staffs were regularized as MTS and one appointed on compassionate ground under the Deputy Director, School Education, West Siang, Aalo. This was done after obtaining approval from the Director of School Education and on the recommendation of the Selection Board of the District. However, after registration of the above SIC case their regularisations/appointment were subsequently, terminated.

8. The learned Standing Counsel, SIC has fairly submitted that in the present case, the above regularization of 8 Multi Tasking Staff (Contingency staff) and appointment of one on compassionate ground was done after obtaining an approval from the Director of

the School Education and on the recommendation of the Selection Board of the District. Although some irregularities have been found, no any money trail could be traced out till date.

9. In view of the submissions made above and since the accused applicant has already appeared before the I.O. (SIC) and he has already been interrogated and recorded his statement under Section 161 Cr.P.C., and also considering that the I.O of the case has not indicated that his custodial interrogation is necessary; I am of the considered view that no prejudice will be cause or hamper the further investigation of the case, if the interim anticipatory bail granted to the accused on 28.02.2024 is regularized.

10. Accordingly, the interim anticipatory bail granted to the accused applicant on 28.02.2024 is hereby regularized and made absolute on the same terms and conditions, with the following additional conditions:

1. That the accused applicant shall make himself available for interrogation by the I.O. of the case as and when required;
2. That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the fact of the accusation against him so as to dissuade him/her from disclosing such facts to the court or to any police officer.

11. This bail order shall be read along with the bail order dated 28.02.2024.

With the observation made above, this bail application stands disposed of.

JUDGE

Comparing Assistant