

GAHC040003162024



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

**Case No. : BA/27/2024**

Jungkam Tikhak  
Son of Aphong Tikhak, permanent resident of Rangrinkan-III Village, PO and PS  
Changlang, District Changlang, Arunachal Pradesh

VERSUS

The State of AP  
through the SPI PP (AP) SIC

**Advocate for the Petitioner** : Dicky Panging

**Advocate for the Respondent** : Ojing Pada

**BEFORE**  
**HONBLE MR. JUSTICE KARDAK ETE**

**ORDER**

**Date : 21-03-2024**

Heard Mr. D. Panging, learned counsel for the applicant and Mr. O. Pada, learned Special Public Prosecutor for the SIC (VIG).

2. This is an application under Section 439 of the CrPC, 1973 for grant of post arrest bail to the accused person namely, **Smti Likkem Tangha**, who has been arrested by SIC on 09.02.2024 in connection with SIC (VIG) P.S. Case No. 03/2024 under Sections 120(B)/409/468/477 read with Section 13(2) of the PC

Act, 1988, presently languishing in the Jail since her arrest.

3. The case set up by the prosecution is that after series of complaints filed by District Based Students Union and Community Based Organisation before the Deputy Commissioner, Changlang District regarding illegal appointments/regularisation of Trained Graduate Teacher (TGT), Primary Teachers, Upper Division Clerk (UDC), Lower Division Clerk (LDC) and Multi-Tasking Staff (MTS) in the Department of Education in Changlang District, the Deputy Commissioner conducted an enquiry and came to a conclusion that 5 TGT, 29 primary teachers, 8 UDC, 13 LDC and 22 MTS were illegally appointed in the Department of Education in Changlang District. After preparation of the report and dossiers the same was submitted to the Chief Secretary, Government of Arunachal Pradesh and thereafter, matter was entrusted to SIC (VIG) for investigation. Accordingly, case was registered as SIC (VIG) P.S. Case No. 03/2024 under Sections 120(B)/409/468/477 read with Section 13(2) of the PC Act, 1998 and the SIC (VIG) has taken up the investigation.

3. The daughter of the accused person herein was appointed as UDC whose name reflected in serial No. 27 and the brother of the accused was appointed as MTS whose name appears at serial No. 38 in the FIR. However, the name of the present accused person is not reflected in the FIR. The SIC (VIG) issued summon to the accused person for investigation/interrogation in connection with the aforesaid case. Finally, the alleged accused person was arrested on 09.02.2024 and on production, she was remanded to the judicial custody initially for 14 days. Since then, the alleged accused person is in judicial custody.

4. Mr. D. Panging, learned counsel for the applicant submits that the alleged accused person is serving as UDC-cum-cashier in the Department of Education, Changlang District. The accused person has not been named in the FIR and she

has been arrested on suspicion only because her relatives have been appointed as UDC and MTS. Having submitted that Mr. Panging, while not pressing the other grounds, submits that the accused person was arrested on 09.02.2024 and was directly remanded to the judicial custody and there is no prayer by the SIC (VIG) for her custody. Moreover, she has given her statements before the investigating officer and is cooperating. Since it has been 42 days by now, the custodial detention is not required in the present case. Therefore, he prays for grant of post arrest bail to the accused person as no custodial interrogation is required as evident from the remand order of the Trial Court.

5. Mr. O. Pada, learned special public prosecutor SIC (VIG) by referring to the Case Diary, fairly submits that there is no ground to object to the prayer of the accused person inasmuch as she has admitted her guilt in her statements under Section 161 CrPC, that she had paid the amount which was sought by the higher authority for appointment of her daughter as UDC and no further custodial interrogation is required.

6. Due consideration has been extended to the submissions of the learned counsel appearing for the parties and also perused the Case Diary.

7. On consideration of the Case Diary, it reveals that the accused has given her statement under Section 161 CrPC that she has paid an amount which was sought by the higher authority for appointment of her daughter as UDC. It is also seen that the accused was arrested on 09.02.2024 and was remanded to the judicial custody and there is no prayer by the SIC (VIG) for her custodial interrogation. Be that as it may, 42 days have elapsed by now. Thus, in the facts and circumstances of the present case, this Court is of the view that no further custodial interrogation is required and as such custodial detention seems not warranted.

8. In view of above, I am of the considered view that the accused is entitled to be released on post arrest bail. Accordingly, it is provided that the accused person namely, **Smti Likkem Tangha** shall be released on bail on furnishing a bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with one surety of like amount to the satisfaction of the learned Special Judge, PC Act, Yupia on the following conditions:

- (i) That the accused applicant shall make herself available for interrogation by the investigating Officer as and when required;
- (ii) That the accused applicant 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 her from disclosing such facts to the Court or to any police officer; and
- (iii) That the accused applicant shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Changlang, without prior permission.

9. Bail application stands allowed and disposed of.

10. Case Diary be returned.

**JUDGE**

**Comparing Assistant**