

GAHC040004132024



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

Case No. : BA/36/2024

Enya Doye

Son of Late Rei Doye, a permanent resident of Seren Village, PO and PS Nari, Lower Siang District, Arunachal Pradesh and presently residing at Mowb-I Royo Colony, near King Cup School, Itanagar, PO and PS Itanagar, Papumpare District, Arunachal Pradesh

VERSUS

The State of AP
represented by the Special PP SIC

Advocate for the Petitioner : Muk Pertin, Senior Advocate

Advocate for the Respondent : Ojing Pada

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 01-04-2024

1. Heard Mr. M. Pertin, learned Senior counsel assisted by Mr. K. Dabi, learned counsel for the applicant. I have also heard Mr. Ojing Pada, learned Standing counsel for the SIC.
2. The applicant filed this bail application under section 439 of Cr.P.C, 1973 praying for release of the accused, Shri. Ego Doye, who has been

arrested by SIC on 21.01.2024 in connection with SIC PS Case no. 03/2023 under section 120(b)/420/409/468/471 of IPC read with section 13(2) of the PC Act.

3. As per the allegation in the FIR, the accused while serving as Deputy Director of the School Education, Changlang was involved in issuance of many illegal appointments to the post of TGT, Primary Teachers, UDC, LDC and MTS in Education Department in Changlang District of Arunachal Pradesh. Basing on the FIR and the report submitted, the above case being SIC PS Case no. 03/2023 has been registered and the accused was arrested on 21.01.2024.

4. Earlier the bail application being BA/35/2024 was filed before the Court of Special Judge (PCA), Yupia which was rejected on 13.02.2024 and the subsequent bail application being BA/56/2024 filed before the Special Judge (PCA), Yupia was also rejected on 20.03.2024. This is the third subsequent bail application for release of the accused, Shri. Ego Doye on health ground.

5. The learned SC, SIC has produced the case diary as well as the Status report.

6. The learned SC, SIC submits that the case is involved with large numbers of illegal appointment in the government department without any advertisement or interview. And the case is still under active investigation. Under the given circumstances and at this stage, if the accused is enlarged on bail, it would adversely affect and hamper the fair investigation of the case. It is further submitted that as the accused is DDSE in the department, there is every possibility that he might induce or

promise the witnesses, who are acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Police. There is also a likelihood of his hampering with the evidence including the paper records of appointees and also may hide and dispose of his ill-gotten money. There is also a likelihood that the accused would threaten the candidates and other witnesses.

7. Mr. M. Pertin, learned Senior counsel assisted by Mr. K. Dabi, learned counsel for the petitioner submits that at this stage, the merit of the case may not be considered and his prayer for grant of bail to the accused, Shri Ego Doye, may be considered on health ground as prayed. The learned senior counsel further submits that as per the health status report prepared by the Medical Officer In-Charge, Health Centre District Jail, Jolly, Itanagar dated 12.03.2024, the accused is a diabetic patient for the last 4 (four) years and he is under medication for Diabetic and Hypertension and he has a Diabetic Diet plan. It is further submitted that the accused is ready to cooperate and furnish adequate bail and abide by any condition to be imposed for his release.

8. Heard both the learned counsel for the petitioner as well as the learned Standing counsel for SIC. I have also perused the case diary produced by the SC, SIC (Vig)

9. The record reveals that the accused, Shri Ego Doye while serving as DDSE, Changlang hatched a conspiracy for making illegal appointment in the Education Department with Shri Tapi Gao, the then Director of Elementary Education, Government of Arunachal Pradesh, Itanagar. To materialize the plan, he induced the other co-accused(s) namely Shri Lamaung Mossang, UDC cum Accountant, Smti. Likkem Tangha, UDC cum

Cashier, Shri. Lomkam Rekhung, LDC who deals with service books, Shri Chaipot Techai, BEO (TGT) DDSE office, Changlang who were holding key posts in the Office of the DDSE, Changlang. All the above co-accused(s) have been arrested and have given their statement before the police against the present accused for his involvement in the alleged offence. As per the record, even the accused himself has accepted and confessed his guilt in the commission of the alleged offence.

10. Under the given circumstances and considering the nature of allegation and the magnitude of the offence alleged to have been committed by the accused and his involvement in the case in making illegal appointments in the Department without any advertisement or interview as revealed in the record, and also considering that the matter is still under active investigation and the accused being the head of the Department in the District, having control over his staffs is likely to dissuade the other co-accused(s) and witnesses which might hamper the fair investigation of the case, I am not inclined to grant bail to the accused at this stage. Accordingly, this bail application is rejected.

11. However, considering the submission of the learned counsel for the applicant that the accused is still under medication for Diabetic and Hypertension and that he is on Diabetic Diet plan, the Jail authority shall ensure his proper treatment, medication and the diabetic diet plan of the accused.

The bail application stands disposed of.

JUDGE

Comparing Assistant