

GAHC040007792024



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

Case No. : BA/61/2024

Bombe Ngulom
Son of Shri Bibom Ngulom, a permanent resident of Malini Village, PO and PS
Likabali, Lower Siang District, Arunachal Pradesh

VERSUS

The State of AP
represented by the Special PP SIC

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : Ojing Pada

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 26.06.2024

Heard Mr. T. T. Tara, learned counsel for the applicant. Also heard Mr. O. Pada, learned Special Public Prosecutor, SIC (VIG).

2. This is bail application filed under Section 439 of Cr.P.C, 1973, praying for release of the alleged accused **Shri. Mikjar Ngulom @ June Lendo**, who has

been arrested in connection with SIC Case No. 08/2024 dated 06.02.2024 registered under Sections 120(B)/420/409/468/471 of P.C. Act, 1988.

3. The case of the petitioner is that, upon receipt of the report dated 10.01.2024 submitted by one Shri Otem Tayeng, Director of Elementary Education, Government of Arunachal Pradesh regarding irregularities in appointment of PRT, the Officer-In-Charge, SIC (VIG) PS, Itanagar has caused registering the above SIC (VIG) PS, Itanagar case/FIR No. 08/2024 dated 06.02.2024 under Sections 120(B)/420/409/468/471 of P.C. Act, 1988 and investigated into. The present accused Shri Mikjar Ngulom @ June Lendo was then arrested in connection with the above SIC Case on 15.05.2024. The allegation against him is that, he has bribed some officials a sum of Rs. 3,00,000/- (Rupees Three lakhs) and secured a primary teacher job in Lohit district of Arunachal Pradesh. He is also accused of typing out most of the illegal appointment letters of the Primary Teachers (PRTs) in various districts of Arunachal Pradesh.

4. Mr. T. T. Tara, learned counsel for the applicant submits that the alleged accused at the relevant period of time was entrusted by Shri Tapi Gao, the then Director, with paper works related to typing which the alleged accused had sincerely executed during the performance of his duty without knowing the legal or illegal nature of the work as he was not an employee of the Directorate of Elementary Education, Government of Arunachal Pradesh, Itanagar during the said relevant period.

5. The learned counsel for the applicant further submits that the accused is not directly connected with the main accused Shri Tapi Gao, now retired Director nor did he have access to any official files of the department to ascertain the irregularities. However, he was arrested in connection with the above SIC case on 15.05.2024 for commission of the alleged offence.

6. It is the further submission of the learned counsel for the petitioner that, since his arrest the accused has been cooperating with the I.O of the case giving statement and disclosing everything within his knowledge in connection with the above SIC case. It is further submitted that the main accused person in the instant case Shri Tapi Gao has already been enlarged on bail and as such, the accused being a helper to the main accused is entitled to be considered for his release on bail on parity.

7. Further, the learned counsel for the applicant submits that since the accused was merely an engaged worker at the relevant period and not a government employee of the department, there is no scope of his has influencing in the department or intimidate. The petitioner has undertaken to produce the accused before the I.O of the case or before the trial Court as and when called for, and the accused is ready to abide by any conditions to be imposed upon him for his release on bail and is also ready to furnish adequate bail surety.

8. Mr. O. Pada, learned Special Public Prosecutor while producing the Case Diary has fairly submitted that after his arrest, the accused is cooperating with

the I.O for investigation of the case. Further, the investigation in respect of the present accused person is almost completed, and as such, his custodial interrogation is no more required. He further submits that since the accused is cooperating with the IO, there is no likelihood of his absconding or influencing or manipulating with the evidence of the case, as he was merely engaged by the then Director to assist in typing work. Therefore, the learned Spl. Public Prosecutor, SIC (VIG) has no objection if the accused is released on bail with certain condition to ensure his appearance before the IO for further investigation of the case.

9. Upon consideration of the records, prima facie, there is an incriminating material found against the present accused for commission of the alleged offence; however, considering that the main accused has already been enlarged on bail and the present accused is cooperating with the I.O of the case and also considering that the learned Special Public Prosecutor has no objection for his release provided certain conditions is imposed to ensure his appearance, I am of the considered opinion that a case has been made out for consideration of his bail application for release. Accordingly, for the reason stated above, this bail application is allowed.

10. The accused **Shri Mikjar Ngulom @ June Lendo** is directed to be released on bail on execution of a bail amount of Rs. 2,00,000/- (Rupees Two lakhs) with 1(one) surety of like amounts to the satisfaction of the learned Special Judge, (PC), Yupia subject to the following conditions:

(i) That the accused shall cooperate and appear before the I.O of the case once in a week for 4(four) weeks from the week commencing from the 1st of July' 2024 on a date and time to be fixed by the I.O of the case and thereafter, once in every fortnight for 1(one) month on a date and time to be fixed by the I. O of the case, and thereafter, as and when called for, by the I.O of the case.

(ii) That the accused 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 him from disclosing such facts to the Court or to any police officer.

(iii) On satisfaction of the above condition, the accused shall be released, if his further custody is not required in any other case.

11. With the above observation, bail application stands allowed and disposed of.

JUDGE

Comparing Assistant