

GAHC040016972024



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

Case No. : AB/142/2024

Shankar Tamang
Son of Late Pratap Singh Tamang, presently residing at Helipad Colony, nearby
Borum Bridge Road, PO and PS Naharlagun, Papum Pare District, Arunachal
Pradesh.

VERSUS

The State of AP
represented by the Special PP SIT

Advocate for the Petitioner : Gotu Riba, Chello Yaying, Licha Teni

Advocate for the Respondent : Spl.PP (SIT), J Tsering

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 06-12-2024

Heard Mr. Gotu Riba, learned counsel for the petitioner and Mr. J. Tsering, learned Special Public Prosecutor (SIT).

2. The present application under Section 482 of the BNSS, 2023 has been so instituted praying for grant of pre-arrest bail to the applicant herein in connection with CB-PS Case No. 03/2023 under Section 420/468/471 of the IPC.

3. The materials brought on record reveals that on 02.09.2024, a written complaint was lodged before the Officer-in-Charge, Special Investigation Team, Itanagar by one Rakom Dugi and one Chom Doka alleging, *inter alia*, therein that persons named in the said information have reportedly enclosed fake sports certificates (Karate meritorious certificate) for securing appointments as Range Forest Officer, Forest Guard, Peon and Junior Engineers in the Department of Environment & Forest and Climate Change and Water Resources Department, Government of Arunachal Pradesh.
4. The applicant herein is not a named accused in the said FIR. It is seen that on receipt of the said FIR, an inquiry was carried out and the inquiry officer submitted a report on 16.09.2024 before the Officer-in-Charge, SIT, Itanagar wherein a *prima facie* case against the persons named in the FIR dated 02.09.2024 was stated to have been made out. Accordingly, CB-P.S. Case No. 03/2024 under Section 420/468/471 of the IPC came to be so registered.
5. The applicant herein is presently working as Office Secretary in the office of the Arunachal Pradesh Karate-Do Association and he contends that he is in no way connected with the issuance of the certificate furnished by the persons named in the FIR dated 02.09.2024. The applicant has further submitted that the issuance the certificates are within the jurisdiction of the General Secretary of the Karate-Do Association of India and/or the General Secretary of the Arunachal Pradesh Karate-Do Association and the applicant is only a staff in the said Association and he has no nexus with the issuance of such certificate.
6. The applicant has further highlighted that he was summoned to appear before the investigating agency on two occasions i.e. on 02.11.2024 and 18.11.2024 and he had accordingly appeared before the investigating officer and has recorded his statement.

7. Apprehending arrest in connection with the said case in view of issuance of notice under sub-section (3) of Section 35 of the BNSS, 2023, the applicant has instituted the present proceedings.

8. I have heard the learned counsels appearing for the parties and also considered the materials available on record.

9. An examination of the nature of allegation involved in the matter reveals that the same pertains to the furnishing of certificate purportedly procured from the Arunachal Pradesh Karate-Do Association by persons, for securing job in various Government Departments. Further, the applicant on being required by the investigating officer to appear before him, has already appeared and recorded his statement on two occasions as noticed hereinabove.

10. It is further noticed that the informant in the initial FIR dated 02.09.2024 had thereafter vide a communication dated 16.09.2024 requested for withdrawal of the FIR so lodged by them on the ground that the same was so made on account of a miscommunication and without proper verification. It was further highlighted that after verification of the form-I certificate, it was found that the same were genuine and authentic and accordingly, the matter was resolved between the members of the association.

11. In view of the above position and also appreciating that the case is basically related to the documentary evidence, this Court is of the opinion that the applicant herein is entitled to be enlarged on pre-arrest bail.

12. Accordingly, it is directed that in the event of arrest of the applicant, herein, in connection with the CB-PS Case No. 03/2024 under Sections 420/468/471 of the IPC, he shall be enlarged on bail on furnishing a bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with one surety of like amount

to the satisfaction of the arresting authority, subject to the following conditions:

1. The applicant shall appear before the investigating officer and record his statement within a period of 7 (seven) days from today. The applicant shall, thereafter, continue to co-operate with the investigating officer in the matter.
 2. The 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 him from disclosing such facts to the Court or to any Police Officer.
13. With the above observations and directions, the Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant