

GAHC010079722023



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

Case No. : AB/1454/2023

GAYATRI SAIKIA
W/O HIMAN JYOTI BORA
R/O WARD NO. 3,
DHING CHAMUAGAON
P.O. DHING
P.S. DHING
DIST. NAGAON

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

09.02.2024

Heard Ms. T. Som, learned counsel for the applicant and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Dispur PS Case No. 3917/2021**, registered under Sections 420/468/471 of the Indian Penal Code, 1860, this second application under Section 438 of the Code of Criminal Procedure, 1973, is

preferred by applicant namely, **Gayatri Saikia**, for grant of pre-arrest bail.

3. The said case has been registered on the basis of one FIR lodged by one Roshni Aparanji Korati, IAS, Mission Director, Sarba Siksha Abhiyan, Assam, on 27.10.2021. The essence of allegations made in the FIR is that in the appointment process of the year 2020-21, appointment letters were distributed on 05.02.2021, and 10 candidates had got appointment as SSA Contractual Teacher, with doubtful TET Certificate of the year 2019.

4. Ms. Som, learned counsel for the applicant submits that this is the third anticipatory bail application and the first one was rejected by a coordinate Bench of this Court, vide order dated 03.01.2022, in AB No. 4146/2021, and the second one was rejected by this Court, vide order dated 01.09.2022, in AB No. 2297/2022. Ms. Som further submits that one of the co-accused, who stands on the same footing with the present applicant, has been granted privilege of pre-arrest bail by a coordinate Bench of this Court, vide order dated 15.12.2023, in AB No. 4216/2023. Ms. Som also submits that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. Barua, learned Additional Public Prosecutor submits that the IO has collected sufficient incriminating materials against the applicant and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court with the assistance of learned Additional Public Prosecutor.

7. It appears that the first anticipatory bail application was rejected by a coordinate Bench of this Court, vide order dated 03.01.2022, in AB No. 4146/2021, and the second one was rejected by this Court, vide order dated 01.09.2022, in AB

No. 2297/2022. Further, it appears that one of the co-accused has been granted privilege of pre-arrest bail by a coordinate Bench of this Court, vide order dated 15.12.2023, in AB No. 4216/2023, on the ground that he has resigned from the post of Contractual Teacher of SSA. But, in the present case the applicant has never joined the post. Therefore, the submission that the present applicant also stands on the same footing is unacceptable. Moreover, earlier two anticipatory bail applications of the applicant were rejected after perusing the case diary and there is no change of circumstances in the favour of the applicant, so as to entertain the present application.

8. Under the aforesaid facts and circumstances, this Court finds the grounds, so assigned for filing this third application, is not at all satisfactory and also considering the materials so far collected in the case diary as well as the nature and gravity of the same, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

9. The case diary be returned.

JUDGE

Comparing Assistant