

GAHC010089642024



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

Case No. : AB/1168/2024

BANITA BORO
W/O MANOJ KUMAR DEKA
R/O SUB MEHABIAPARA
BARALAKHAT, P.S. KHOIRABARI
DIST. UDALGURI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

21.06.2024

Heard Mr. S. Munir, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dispur P.S. Case No.3917/2021, under Section 420/468/471 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Banita Boro, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Roshni Aparanji Korati, IAS, Mission Director, Sarba Siksha Abhiyan, Assam, on 27.10.2021. The essence of allegation made in the aforesaid FIR is that in the year 2021, 10(ten) candidates got appointment SSA contractual teacher with doubtful TET Certificate of the year 2019.

4. Mr. Munir, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court, vide order dated 06.05.2024 and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and one of the co-accused has already been granted the privilege of pre-arrest bail by this Court, vide order dated 23.02.2024 in AB No.4216/2023 and the present applicant also stands in the same footing and therefore, Mr. Munir contended to grant similar relief to the present applicant also.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and confirmed appearance of the applicant before the I.O. concerned. However, Mr. Lahkar has pointed out that the I.O. has collected some materials in support of the allegation made in the FIR and therefore, Mr. Lahkar has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some materials in support of the allegation made in the FIR. But, it appears that the investigation of the case has

progressed substantially and the I.O. has examined several witnesses and also collected relevant documents. Further, it appears that the applicant was granted the privilege of interim pre-arrest bail by this Court, vide order dated 06.05.2024 and thereafter, she had appeared before the I.O. and cooperating with the investigating agency. Another similarly situated applicant also has been granted the privilege of pre-arrest bail vide order dated 23.02.2024 in AB No.4216/2023. The present applicant also stands in the same footing.

8. In that view of the matter, her custodial interrogation seems to be not warranted here in this case and therefore, considering above and also considering the nature and gravity of the offence and the punishment prescribed for the same, this Court is inclined to make the interim order dated 06.05.2024, absolute, in the same terms and conditions. Case diary be returned.

9. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant