

GAHC010091472024



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

Case No. : AB/1186/2024

BIKROM SINGHA LAHKAR
S/O LATE KHAGEN SINGHA LAHKAR,
R/O VIDYANAGAR, P.S. JALUKBARI,
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H K DAS, MR N K SARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 27.08.2024

Heard Mr. H.K. Das, the learned counsel appearing for the petitioner as well as Mr. M. Phukan, the learned Public Prosecutor for the State of Assam.

2. This is an application under Section 438 of the Cr.P.C. praying for grant of pre-arrest bail in respect of Vigilance P.S. Case No. 06/2024.

3. The petitioner is an Ex-Honorary Secretary of Assam Flying Club Ltd. The Assistant Director, Sports & Youth Welfare, Govt. of Assam had lodged an FIR on 05.12.2023 alleging the following facts –

1. In pursuance of the judgment and order, passed by the Hon'ble Gauhati High Court, Guwahati in WA No. 111/2019 and WA No. 149/2019 on 23/03/2023, the entire property of Assam Flying Club Ltd, had to be handed over to the Govt. of Assam by Sri Bikrom Singha Lahkar (Ex- Hony. Secretary, Assam Flying Club Ltd.) for revival of Assam Flying Club. But some important documents (in original) and articles/items/accessories relating to Assam Flying Club Ltd. were not handed over on the designated date, 09/04/2021.

2. That Letters were issued to Sri B.S. Lahkar, Ex- Hony. Secretary, AFC Ltd. regarding handing over of the rest of articles/items/ accessories relating to Assam Flying Club Ltd. vide our office letter No. DSY/AFC/HO & TO/66/2021/79 dtd. 30th June, 2021 and No. DSY/AFC/HO & TO/66/2021/83 dtd. 13th July, 2021. But, in case of letter dated 13th July, 2021 issued by this Directorate, the addressee had refused to receive the letter and the same had been sent back to the Directorate and no articles/items/ accessories of AFC Ltd. had been handed over till the date of submission of the said Action Taken Report. Instead of handing over of articles/items/accessories of AFC Ltd., a letter was received from Sri Lahkar dtd. 07/12/2021.

3. That, there were 4 (four) Fixed Deposit Receipts in the name of Assam Fling Club Ltd, bearing No. 0120206030803, 0120206030802, 0120206030806 and 0120206085202, which were kept only for exigencies of Assam Fling Club Ltd, but the said FDs were closed vide letter No. AFC-09/2013/12, as informed by the Asstt. General Manager, SBI, Guwahati Branch, Panbazar, without any intimation to the Directorate.

4. That the Assam Fling Club Ltd got Grants-in-Aid from the Government over the years from 1991-92 to 2013-14 to the tune of Rs. 2,42,38,200.00 under Plan Non-Plan heads, for salary, arrear salary, non-salary component i.e. office contingency, payment

of Telephone bill, electricity charges, maintenance of aircrafts, water charges, etc, of the Club. However, vide letter No. DSY/S/AFC-Misc./339931/13 dated 05/09/2023, it has been informed that only 2 (two) nos. of UCs for Rs.8,48,000 and Rs.30,37,859 has been submitted by Sri Bikrom Singha Lahkar (Ex- Hony. Secretary, Assam Flying Club Ltd.).

As such, the undersigned requests your kind authority to take necessary action in this regard.

4. Mr. Phukan has submitted that pursuant to the interim order granted by this Court, though the petitioner appeared before the Investigating Officer, but he has not co-operated with the police investigation.
5. Mr. Das submits and points out to certain documents available in the record, which shows that all the allegations brought against the present petitioner are not sustainable.
6. I have also gone through all the documents available in the record. I have also considered the submissions of the learned counsels of both sides.
7. After considering all the documents and after hearing the learned counsels of both sides, this Court is of the opinion that for the aforesaid allegations, the petitioner does not deserve to be detained in custody. However, he shall continue to co-operate with the Investigating Officer as and when required.
8. Accordingly, the bail application of the petitioner, Bikrom Singha Lahkar is allowed.
9. The interim bail granted earlier by this Court on 06.05.2024 is hereby made absolute.
10. The bail application stands disposed of.

The case diary shall be returned.

JUDGE

Comparing Assistant