

GAHC010124742024



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

Case No. : AB/1616/2024

DIGANTA BORA
S/O SRI SONDAHR BORA, P/R/A OFFICER FLAT NO. 9, WEST CAMPUS,
DIBRUGARH UNIVERSITY, P.S.-DIBRUGARH, DIST-DIBRUGARH, ASSAM,
PIN-784006, P/R/O CHIROTIA GAON, NEAR MEGHA RESORT, P.O. AND P.S.-
PULIBOR, DIST-JORHAT, ASSAM, PIN-785006

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. SAILENDRA DEKA, MS L RONGPIPI, MR JITENDRA DAS

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

12.08.2024

Heard Mr. B. Dutta, the learned senior counsel assisted by Mr. J. Das, learned counsel appearing for the petitioner. Also heard Mr. K.K. Parasar, the learned Addl. Public Prosecutor,

Assam.

2. This is an application under Section 438 of the CrPC praying for pre-arrest bail in respect of Dibrugarh P.S. Case No.646/2021 under Sections 120B/468/471/409/420 of the Indian Penal Code.

3. On 24.03.2021, the Registrar (I/c) of Dibrugarh University lodged an FIR before police alleging that Dr. Hari Chandra Mahanta, the Registrar (under suspension) and the present petitioner Shri Diganta Bora, Deputy Registrar (Finance & Accounts) (under suspension) had misappropriated University fund by adopting fraudulent ways thereby caused loss of five crores to the University.

4. The University constituted an Enquiry Committee headed by three persons. There were 6(six) charges against the present petitioner.

5. The first charge was of violation of certain financial rules of the University. It was also alleged that he had dishonestly made payment to M/s. Bani Mandir without following the University guidelines.

6. The second charge was that he had accepted an enhanced rate of book binding and thereby caused financial loss to the University.

7. The third charge was that without any work order, he cleared the bill amount of ₹8,92,501/- in favour of Vaibhav Sanitation.

8. The fourth charge was that he had cleared some T.A. and lodging bills of the Vice Chancellor.

9. The fifth charge was that he had collected quotations for purchase of a new Toyota Innova Vehicle for the Vice Chancellor.

10. The sixth charge was that he had processed files for placing order for supply of bamboo, cloths, chair etc. in violation of the University rules.

11. There is a notification of the University, which says that the Registrar of the University can disburse bills up to ₹50,000/- and bills for higher amounts shall be cleared by the Vice Chancellor only.

12. Mr. Dutta has submitted that the present petitioner being the Deputy Registrar, only

processed the bills and the bills are either sanctioned by the Registrar or the Vice Chancellor.

13. Mr. Dutta has submitted that the Registrar was already allowed to go on bail.

14. I have considered the submissions made by the learned counsel of both sides.

15. This Court finds that the present petitioner might have caused financial loss to the University but there are no materials in this case to show that the petitioner himself had financial gains. The alleged acts of the petitioner might invite Departmental Proceedings against him. Such acts cannot be coloured with a criminal case.

16. For the aforesaid reason, this Court is of the opinion that the present petitioner does not deserve to be detained in custody. His pre-arrest bail application is allowed.

17. It is hereby directed that in the event of arrest in connection with Dibrugarh P.S. Case No.646/2021 under Sections 120B/468/471/409/420 of the Indian Penal Code, the petitioner Shri Diganta Bora shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the arresting authority.

The application for bail is disposed of accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant