

GAHC010137992024



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

Case No. : AB/1782/2024

SHIVANI KUMARI
D/O BISWANATH SINGH,
R/O HOUSE NO. 5, S.N. ROY ROAD, SAHAPUR, S.O.- KOLKATA, WEST
BENGAL, PIN- 700038.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. D P BORAH, P JHA, MR B PAUL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

30.07.2024

Heard Mr D P Borah, learned counsel for the petitioner, Smt Shivani Kumari, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as she is apprehending arrest in connection with Vigilance PS Case No. 07/2024, dated 19.06.2024, registered under Sections 120B/420/467/ 468/471 of the Indian Penal Code, 1860, read with Sections 13 (1)(a)/15 of the PC Act and added

Section 13 (2) of the PC Act.

2. Heard Mr M Phukan, learned Public Prosecutor for the State of Assam.
3. The allegation in brief against the petitioner is that the accused named in the FIR have fraudulently forged the signature of the Chief Minister to procure funds from the CM Relief Fund.
4. It is submitted on behalf of the petitioner that the petitioner is not involved in this case and her name is not mentioned in the FIR. As the petitioner's brother has been arrested in this case, the petitioner has been roped in, in connection with this case without any valid grounds.
5. On the contrary, the learned Public Prosecutor has stated that there are several incriminating materials in the Case Diary against the petitioner. The petitioner has several bank accounts with different names and several Aadhar Cards with different names. The petitioner is complicit.
6. I have considered the submissions at the Bar and I have also scrutinized the Case Diary.
7. The offence alleged against the petitioner is a serious offence and is an economic offence. There are indeed incriminating materials in the Case Diary against the petitioner.
8. I have also considered the submission that if the petitioner is admitted to bail,

investigation may be adversely affected as the petitioner is not a local resident. 9. It is also submitted that there is another case of similar nature which is being investigated upon against the petitioner.

10. Considering all aspects and in view of my foregoing discussions, it is held that there appears to be no justified ground to extend the privilege of pre-arrest bail to the petitioner, at this stage. Hence, petition is rejected.

11. Send back the Case Diary.

JUDGE

Comparing Assistant