

GAHC010141902024



2024:GAU-AS:12367

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

Case No. : AB/1844/2024

BALDEB SINHA @ BALADEB SINHA
S/O LATE DHWAJA RAJ SINHA, R/O VILL- KALINAGAR PART-IV, P.S.-
PANCHGRAM, DIST- HAILAKANDI, ASSAM, PIN-788801

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D HUSSAIN, MR. R A MAZUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

06/12/2024

Heard Mr. R A Choudhury, learned counsel for the petitioner and Mr. M Phukan, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Sri Baldeb Sinha @ Baladeb Sinha**, at the relevant point of time, Assistant Executive Engineer (T/C) Silchar & Udharband Territorial Roads Division, PWRD Hailakandi District Territorial Road Division & In-charge Assistant Executive Engineer (C), Ratabari Territorial Road

Division, son of Late Dhawaja Raj Sinha, resident of Village-Kalinagar Part-IV, P.S. Panchgram, District-Hailakandi, has filed this application under Section 482 of BNSS, 2023, seeking pre-arrest bail apprehending his arrest in **Vigilance P.S. Case No. 01/2024** registered under Sections 120(B)/420/468/471/406/409 IPC read with Sections 13(1)(a)/13(2) of the P.C. Act.

3. Matter relates to embezzlement of public fund and major irregularities by way of payment of final bill releasing SD money to the contractor of the PMGSY Package No. AS-13-261 in Patharkandi & Ratabari Territorial Roads Division, Ram Krishnanagar, Karimganj relating to construction of road from Anipur NEC road at Harinagar to Pub Baruala. Petitioner is one of the FIR named accused.

4. Case diary placed before the Court by Mr. Phukan, learned Additional Public Prosecutor, Assam reveals the involvement in the illegal releasing of public fund to the contractor concerned by the petitioner and his other associates without even completing the work of PMGSY Package No. AS-13-261 in Patharkandi & Ratabari Territorial Roads Division, R.K. Nagar, Karimganj, which came to the light only after an enquiry was made from the side of the PWD.

5. Finding sufficient involvement of the petitioner from the case diary in the alleged crime, this Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, **Sri Baldeb Sinha @ Baladeb Sinha** in said **Vigilance P.S. Case No. 01/2024**.

6. Accordingly, this pre-arrest bail application of the petitioner, named above, in said Vigilance P.S. Case No. 01/2024 stands rejected.

7. Return the case diary.

JUDGE

Comparing Assistant