

GAHC010139092024



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

Case No. : I.A.(Crl.)/672/2024

APARNA DEKA (INFORMANT)
D/O MANOJ DEKA
R/O H/NO.10
CHANDRANGIRI PATH
PS. DISPUR
PIN 781036
DISTRICT KAMRUP METRO
ASSAM

VERSUS

AJOY KR VISWAKARMA
S/O LATE KUMAR VISWAKARMA
R/O BIRKUCHI
KARBIDEHAL PATH
KRISHNA NAGAR
NARENGI
P.S.-NOONMATI, KAMRUP (M)
ASSAM

Advocate for : MR VIKRAM ADITYA CHOWDHURY
Advocate for : MR. B M CHOUDHURY appearing for AJOY KR VISWAKARMA

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

30.07.2024

Heard Mr A M Bora, learned Senior Counsel for the applicant, Aparna Deka. Also

heard Mr B M Choudhury, learned counsel for the respondent.

2. This application is filed by the applicant, Aparna Deka, who is also the informant, whose FIR has been registered as Dispur PS Case No. 517/2024, under Sections 120(B)/403/420/406/409/477A of the Indian Penal Code, 1860.

3. It is submitted by the learned Senior Counsel for the applicant that in ***Jagjeet Singh vs. Ashish Mishra***; reported in **(2022) 9 SCC 321**, at page 331, it is held by Hon'ble the Supreme Court that-

“24.2. Second, where the victims themselves have come forward to participate in a criminal proceeding, they must be accorded with an opportunity of a fair and effective hearing. If the right to file an appeal against acquittal, is not accompanied with the right to be heard at the time of deciding a bail application, the same may result in grave miscarriage of justice. Victims certainly cannot be expected to be sitting on the fence and watching the proceedings from afar, especially when they may have legitimate grievances. It is the solemn duty of a court to deliver justice before the memory of an injustice eclipses.”

Therefore, the informant has come forward to participate in the Anticipatory Bail Application of the petitioner as respondent No. 2 (informant).

4. The respondent, Ajoy Kumar Viswakarma has filed a bail application being Bail Application No. 2043/2024. The informant/applicant is apprehending that if the respondent is enlarged on bail, investigation may be adversely affected as the respondent is the kingpin, who is involved in misappropriation and siphoning of funds of the customers in collusion with the custodians employed by Hitachi.

5. The applicant has prayed to be impleaded in the above mentioned bail petition.

6. In the light of the decision of Hon'ble the Supreme Court in ***Jagjeet Singh (supra)***, this application is allowed and the applicant is impleaded as the respondent No. 2 in Bail Application No. 2043/2024.

7. In terms of the above observations, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant