

GAHC010161682024



2024:GAU-AS:13007

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

Case No. : AB/2113/2024

DR MRIDU PABAN NATH
S/O LT. MINA RAM NATH
R/O FLAT NO. 3C, D, MANISHA HIGH, OPP. PANTALOONS, G.S. ROAD,
P.S. DISPUR, DIST. KAMRUP (M), ASSAM, PIN-781022

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY, MR. K KALITA, MR. M R
CHOUDHURY, MR. I H SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19-12-2024

The petitioner remained unrepresented when the matter was taken up for consideration, though names of four counsels have been reflected in the cause list. Heard Mr. M. Phukan, learned Public Prosecutor, Assam for the respondent State.

2. The matter was heard at length on 17.12.2024 and the petitioner was represented by learned counsel Mr. I. H. Saikia and Mr. M. Phukan, learned PP, Assam represented the State.
3. Entire case diaries of the case was placed before the Court that were perused and parties were heard.
4. Mr. I. H. Saikia, learned counsel on 17.12.2024 submitted that the order may be passed on some other day in presence of the Senior Counsel.
5. Accordingly, by order dated 17.12.2024, the matter was fixed today.
6. In the morning some counsel made a mention on behalf of Mr. I. H. Saikia, learned counsel for the petitioner, but Court did not permit as the matter was fixed at the instance of Mr. Saikia, learned counsel.
7. Apprehending his arrest, the petitioner, namely, **Dr. Mridu Paban Nath**, son of late Mina Ram Nath, resident of Flat No. 3C, D, Manisha High, Opposite Pantaloons, G.S. Road, Police Station-Dispur, District- Kamrup(M), Guwahati has filed this application under Section 482 BNSS, 2023 seeking pre-arrest bail in Vigilance Police Station Case No.08/2024 registered under Sections 120B/109/420 IPC read with Sections 13(1)(b)/13(2)/12 of the Prevention of Corruption Act, 1988.
8. The Court by order dated 22.11.2024 granted interim pre-arrest bail to the petitioner in said Vigilance P.S. Case No. 08/2024 considering the fact that the Investigating Officer indicated that the petitioner appeared before him once in August, 2024 twice in September, 2024 and twice in October, 2024.
9. On 14.11.2024 the Court directed the PP, Assam to place the up-to-date case diary of Vigilance P.S. Case No. 08/2024 and also to apprise the Court as to whether custodial detention of the petitioner for investigation of the case is necessary or as he is appearing before the concerned Investigating Officer of the case regularly.
10. While granting interim bail to the petitioner on 22.11.2024 the Court directed the

Investigating Officer of the case to place the up-to-date case diary fixing the matter on 11.12.2024. On request of the learned counsel for the petitioner, the matter was fixed on 17.12.2024 and the PP placed the up-to-date case diary.

11. Matter relates to acquisition of huge property by the petitioner through illegal means that is disproportionate to his known source of income. In that regard a complaint petition was filed by a Doctor, Associate Professor of Government Medical College Hospital, Assam against the petitioner. A discreet enquiry was made against the petitioner for verification of genuineness of the allegation lodged against the petitioner, who is also a Doctor and in Government service since 2009.

12. During such confidential enquiry sufficient material was found against the petitioner regarding enriching himself illicitly during the period of his Government Service in connivance with others. As such, a written Ejahar was lodged against the petitioner before the Officer-in-Charge of Vigilance Police Station, Assam on 05.08.2024 by the Inspector of Police, Chief Minister's Special Vigilance Cell, Assam, Guwahati.

13. Case diaries of said Vigilance P.S. Case No. 08/2024 placed before the Court indicated that though the petitioner appeared before the concerned IO of the case in August, September and October, as noted above, but it is found that the IO of the case clearly indicated that petitioner partially cooperated with the case and though he submitted forms I to VI but those are insufficient.

14. Case diaries indicated of acquiring huge amount of properties by illegal means and he failed to disclose the source of such acquisition of wealth. Case diaries also indicated that there are three numbers of police cases pending against the petitioner before Bhangagarh police station in preparing forged post mortem reports in connivance with other miscreants for fake insurance claim of different persons before the Motor Accident Claims Tribunal and thereby cheating the Insurance Companies while he was posted at Gauhati Medical College & Hospital.

- 15.** Case diary also indicated that petitioner absconded in one of said Bhangagarh P.S. Case and applied for his pre-arrest bail in AB No. 1874/2018.
- 16.** In recent time petitioner deposited a whipping amount of Rs. 8 Crores in cash in two of his Bank Accounts but the petitioner did not co-operate with the investigation to share the evidence regarding it and not co-operating with the investigation.
- 17.** From the case diaries it is seen that the concerned IO of the case have recorded the statement of the acquainted witnesses of the case and all leads to the petitioner regarding his involvement in the alleged crime more particularly, of his disproportionate income.
- 18.** As there are sufficient incriminating materials in the case diaries against the petitioner pertaining to the involvement in the alleged crime and as it is seen from the case diaries that for proper investigation of the case, his custodial detention is necessary.
- 19.** Considering the materials in the case diaries placed before the Court by learned Public Prosecutor, Assam, this Court is of the view that petitioner is not entitled for his pre-arrest bail in said Vigilance P.S. Case No. 08/2024..
- 20.** Accordingly, this pre-arrest bail application of the petitioner, namely, Dr. Mridu Paban Nath, son of late Min Ram Nath in said Vigilance P.S. Case No. 08/2024 stands rejected.
- 21.** The interim bail granted to the petitioner earlier in said Vigilance P.S. Case No. 08/2024 on 22.11.2024 stands vacated/hereby recalled.
- 22.** Return the case diaries herewith.

JUDGE

Comparing Assistant