

GAHC030004842024



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

Case No. : AB/11/2024

Christina Lalthazuali
B/CH-30, Dinthar-I, Aizawl, Mizoram

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Mr Lalchhanliana Khiangte

Advocate for the Respondent : P.P./Addl.PP, Mizoram

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO

16.08.2024

Heard Mr. Lalchhanliana Khiangte, learned counsel for the petitioner and Ms. Linda L Fambawl, learned Public Prosecutor, Mizoram for the State. By filing this petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the petitioner prays for grant of Anticipatory Bail as she apprehends her arrest in connection with Aizawl P.S Case No. 278/2024 registered under Section 466/468/471 of the Indian Penal Code (IPC).

[2.] Mr. Lalchhanliana Khiangte, learned counsel submits that an FIR was filed against the petitioner on 25.07.2024 alleging that the petitioner got herself

engaged as Dental Surgeon under the National Health Mission (NHM) w.e.f. 22.02.2023 by producing fake documents. He submits that both the petitioner and her baby boy who is 1 year and 5 months have health issues. Her child requires constant breast feeding and that the petitioner has been advised to take medications for 15 days in order to prepare her for *LSCS Scar excision alongwith haemorrhoidectomy*. He submits that the petitioner is therefore in no condition to be in custody. He submits that the petitioner is co-operating with the investigation but apprehends that she will be arrested by the Police and therefore, Court may grant Anticipatory Bail to her.

[3.] Ms. Linda L Fambawl, learned Public Prosecutor, on the other hand, submits that the case registered against the petitioner is a serious and sensitive one in view of the fact that the petitioner secured her appointment as Dental Surgeon by producing fake documents purportedly issued by the Dental College, RIIMS (Manipur University). By claiming to have passed Bachelor of Dental Surgery (BDC) from the said College and University, the petitioner got herself appointed under NHM on 22.02.2023. Even before her appointment, she was working in a private clinic since the year 2022. It was, however, discovered from the reply to the application made to the said University by RTI that the petitioner did not study BDS in RIIMS Imphal. She, therefore, submits that in order to have a thorough investigation and to ensure proper co-operation from the petitioner, the application for Anticipatory Bail may be rejected.

[4.] When the matter was listed on 26.07.2024, this Court while issue notice made an observation that no coercive steps should taken against the petitioner till disposal of the petition and the petitioner was directed to extend all co-operation with the investigation. Pursuant thereto, the learned Public Prosecutor has produced the Case Diary wherein, it is seen that the petitioner was amongst

one of the 51 Doctors appointed by the NHM apparently on the strength of the certificate of registration issued by the Registrar, Mizoram State Dentists Registration Tribunal showing the petitioner as having completed BDS from Dental College, RIIMS Manipur University. However, the reply to the RTI query made from the RIIMS, Imphal is to the effect that the petitioner did not study BDS in the RIIMS, Imphal.

[5.] The statements of the petitioner were also recorded by the I.O on 05.08.2024 and the same is produced by the learned Public Prosecutor. From the statements made by the petitioner, it is further seen that according to her after she passed Class-XII in the year 2014 she got herself admitted to Sudha Rustagi College of Dental, Faridabad in the State of Haryana to pursue BDS course. However, since she could not clear the 1st year in one subject she could not complete the BDS course although she attended the 1st, 2nd and the 3rd year classes. For not clearing the subject in the 1st year she could no longer study in the College. She thereafter took BDS online classes for the 4th year in Delhi and as there was a link between the Institute where she did the online classes for the 4th year in Delhi and the Manipur University, she obtained BDS certificate from RIIMS, Imphal on being assisted by her relative and at the cost of Rs. 5 lakhs.

[6.] Upon perusal of the Case Diary and the statements made by the petitioner, it prima facie appears that there are basis or grounds to proceed against the petitioner and those who were instrumental for obtaining the fake documents. The health condition of the petitioner and other grounds raised have also been considered. It is not the case that she has to be hospitalized and be under constant medical care and monitoring. Therefore, considering the nature and the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Petition is rejected. Interim order passed earlier stands merged with this order.

[7.] It is however clarified that any observation made in this order is only for the purpose of considering the grant of anticipatory bail.

JUDGE

Comparing Assistant