

GAHC030006232024



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

Case No. : AB/13/2024

Smt. K. Zaiangi
W/o Sh. Thangchemsanga
R/o Pangkhua, Lawngtlai District, Mizoram
Presently residing at Bungkawn, Aizawl, Mizoram

VERSUS

The State of Mizoram
Through the Secretary to the Govt. of Mizoram
Home Department

Advocate for the Petitioner : Mr B Lalramenga

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

ORDER
B E F O R E

HON'BLE MR. JUSTICE NELSON SAILO

28.10.2024

Heard Mr. Lallawmawma Ralte, learned counsel for the petitioner and Ms. Vanneihsiami, learned Addl. Public Prosecutor.

[2.] On 14.10.2024, Court passed the following order:-

“Heard Mr. B Lalramenga, learned counsel for the petitioner who submits

that by filing this application under Section 482(1) of the BNSS, 2023 the petitioner prays for grant of Anticipatory Bail since she apprehends that she will be arrested any moment in connection with ACB Case No. 3 of 2024 dated 12.04.2024, registered under Section 11/12/13(1)(b)(13)(2) of the P.C Act, 1988 read with Sections 109/120B/406/409/468/471/420 IPC.

The learned counsel submits that pursuant to the registration of the said case, the petitioner has been cooperating with the investigation and she has appeared before the case I.O as and when she has been asked to do so. However, she has come to learn of late that the charge-sheet is going to be filed shortly and that there is every possibility that she will be arrested. She therefore submits that the petition may be allowed as prayed for. It may be noted that the allegation in the instant case pertains to the addition of certain names in the approved list for grant of GPF (NRW), although the same was not cleared by the Finance Department. The petitioner is working as an LDC in the Education Department in the Secretariat. According to the petitioner, the main accused person is Smt. P.C Lalbiakdiki, who is also an LDC but in the Finance Department.

Be that as it may, let notice be issued, returnable by 21st of October, 2024. Ms. Vanneihsiami, learned Addl. Public Prosecutor accepts notice on behalf of the State and therefore, no formal notice is required. The learned Addl. Public Prosecutor shall produce a scanned copy of the Case Diary by the next date. She shall also obtain instructions as to whether the petitioner is required to be kept in custody in order to complete the investigation.

Having regard to the projection made by the petitioner as an ad interim measure, it is hereby order that in the event the petitioner is arrested, she

shall be released on furnishing bail bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the arresting authority. Upon execution of such bond, she shall be allowed to remain on bail until further orders from this Court.

List the mater again on 28th October, 2024."

[3.] Today, Ms. Vanneihsiami, learned Addl. Public Prosecutor has produced the Case Diary. A perusal of the same indicates that the case I.O has recorded the statements of 6 (six) persons including the instant petitioner on 10.05.2024. Thereafter, on 12.07.2024, the case I.O has seized 69 numbers of Finance Department documents from the Deputy Secretary to the Govt. of Mizoram, Finance Department in presence of reliable witnesses in the Secretariat. Thereafter, on 06.09.2024, the case I.O again seized certain relatable documents from the School Education Department from the possession of the Under Secretary to the Govt. of Mizoram, School Education Department in the Secretariat as well. Thereafter, no further process has been recorded in the Case Diary. Learned Addl. Public Prosecutor submits that as the statements of the persons concerned including the petitioner and also the documents related to the case have been seized by the case I.O, the custodial interrogation of the petitioner may not be required. She also submits that as the petitioner is now a pensioner, Court may consider passing appropriate orders as it deems fit and

proper.

[4.] Upon hearing the learned counsels for the rival parties and upon perusal of the materials available on record including the Case Diary, it appears that custodial interrogation of the petitioner may not be required. Accordingly, the ad interim pre-arrest bail be granted to the petitioner on 14.10.2024 is hereby made absolute. It is, however, made clear that the petitioner shall extend full cooperation in the investigation and shall appear before the case I.O as and when she is required to do so.

[5.] With the above observation and direction, the Bail Application stands disposed of as allowed.

JUDGE

Comparing Assistant