GAHC040010882026

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

Case No. : AB/81/2026

Bingdung Rido Allo
Son of Late Rido Tanu, permanent resident of Tapaha Village, PO and PS Palin, Kra Daadi District, Arunachal Pradesh presently posted as Executive Engineer, RWD, Palin Division, Kra District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : D Mazumdar, Sr. Advocate, Taba Tagum,S Biswas

Advocate for the Respondent : Ojing Pada, SC (ACB)

Linked Case : AB/86/2026

Ponya Lollen
Age: 50
Occupation :
Address:Son of Late Mopo Lollen
a permanent resident of Village Kombo Papak
PO and PS Aalo
West Siang District
Arunachal Pradesh and presently serving as Executive Engineer
RWD Chayang Tajo Division
East Kameng District
Seppa
Arunachal Pradesh

VERSUS

The State of AP
Age: 0
Occupation :
Address:represented by the PP (ACB)

Advocate for : Kemo Lollen
Advocate for : Ojing Pada appearing for The State of AP: Advocate appearing for respectively.

Linked Case : AB/82/2026

Hangtim Rekhung
Age: 58
Occupation :
Address:Sonn of Hanglin Rekhung
permanent resident of New Chingsa Village
PO and PS Kharsang
Changlang District
Arunachal Pradesh and presently serving as Executive Engineer
RWD Division
Changlang cum DPIU-I
PMGSY Division
Changlang District
Arunachal Pradesh.

VERSUS

The State of AP
Age: 0
Occupation :
Address:represented by the PP of AP

Advocate for : D Mazumdar
Sr. Advocate
Advocate for : Ojing Pada appearing for The State of AP: Advocate appearing for respectively.

Linked Case : AB/87/2026

Sanju Gyadi
Age: 34
Occupation :
Address:Son of Shri Tame Gyadi
permanent resident of Seppa
East Kameng District
Arunachal Pradesh and presently posted as Junior Engineer at Rural Works Department
Division Jairampur
Changlang District
Arunachal Pradesh.

VERSUS

The State of AP
Age: 0
Occupation :
Address:represented by the PP (ACB)

Advocate for : Kemo Lollen
Advocate for : Ojing Pada appearing for The State of AP: Advocate appearing for respectively.

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 05-08-2026

Heard Mr. T. Tagum, learned counsel for the petitioner in AB/81/2026 and AB/82/2026 and Mr. K. Lollen, learned counsel for the petitioner in AB/86/2026 and AB/87/2026.

2. Also heard Mr. O. Pada, learned Special Public Prosecutor for the ACB and Mr. U. Bori, learned counsel for the informant/respondent No. 2.

3. By this common order, the aforementioned anticipatory bail applications are disposed of.

4. Invoking the jurisdiction under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners are seeking grant of pre-arrest bail apprehending their arrest in connection with ACB P.S. Case No. 04/2026 registered under Sections 120(B)/409/420/467/471 of the Indian Penal Code, 1860, *read with* Section 13(2) of the Prevention of Corruption Act, 1988.

5. The gist of the allegation is that a complaint was lodged by the respondent No. 2 alleging, *inter alia*, irregularities in the execution of PMGSY road projects under the Rural Works Department, Changlang Division. It is alleged that the said roads remain incomplete despite the release of payments and issuance of completion/clearance certificates. The complaint was initially made before the Office of the Deputy Commissioner, Changlang District and upon a preliminary enquiry, was forwarded to the Anti-Corruption Bureau (ACB), pursuant to which the aforesaid case was registered and offences under the Prevention of Corruption Act were also incorporated.

6. The petitioner, namely, *Bingdung Rido Allo* (AB/81/2026), is stated to be the Executive Engineer, RWD. The petitioner, namely, *Hangtim Rekhung* (AB/82/2026), is also stated to be an Executive Engineer. The petitioner, namely, *Ponya Lollen* (AB/86/2026), is stated to be the Assistant Engineer and the petitioner, namely, *Sanju Gyadi* (AB/87/2026), is the Junior Engineer, of the same Department.

7. Vide order dated 15.07.2026, the petitioners in AB/81/2026 and AB/82/2026 were granted interim pre-arrest bail, subject to certain conditions. Thereafter, vide order dated 30.07.2026, the petitioners in AB/86/2026 and AB/87/2026 were also granted interim pre-arrest bail with conditions.

8. The Case Diary was called for. The original Case Diary has been received

by the learned Special Public Prosecutor for the ACB and same was produced before this Court.

9. Learned counsel for the petitioners, Mr. T. Tagum, submits that the matter essentially concerns lapses on the part of the contractor, for which detailed guidelines prescribe the course of action to be followed. In this regard, the learned counsel has drawn the attention of this Court to the relevant documents and submits that they lay down the procedure and course of action to be adopted in cases of incomplete work or breach of contractual obligations by the contractor. It is submitted that, in the present case, such steps have already been initiated and action has been taken to ensure completion of the remaining work in accordance with the terms of the tender.

10. Mr. Tagum, learned counsel has also placed before this Court a copy of the order dated 21.07.2026 passed in AB No. 76 of 2026, whereby a Coordinate Bench of this Court was pleased to grant interim pre-arrest bail to an accused person, namely, *Nirmal Sharma Choudary*, in connection with the same case. The learned counsel for the petitioners has further relied upon two decisions of the Hon'ble Supreme Court:

i. Jay Shri & Anr., vs. State of Rajasthan, reported in (2024) 13 SCC 614

ii. Kamaljit Singh vs. State of Punjab and Anr., reported in (2005) 7 SCC 226

11. Referring to the aforesaid decisions, the learned counsel reiterates that a mere breach of contract does not give rise to criminal liability and that, in matters involving breach of contract, fraudulent or dishonest intention must exist right from the inception of the transaction. It is submitted that such is not

the case in the present matter. It is further submitted that the present case is essentially one of contractual failure and breach of contractual obligations, for which appropriate steps have already been initiated in terms of the prescribed guidelines.

12. Mr. K. Lollen, learned counsel appearing for the petitioners in AB/86/2026 and AB/87/2026, adopts the submissions advanced by Mr. T. Tagum, learned counsel for the petitioners in AB/81/2026 and AB/82/2026 and prays that the interim pre-arrest bail granted to the petitioners be made absolute.

13. On the other hand, Mr. O. Pada, learned Special Public Prosecutor for the ACB, by placing the Case Diary before this Court, has drawn attention to the details recorded by the Investigating Officer. In the status report, the Investigating Officer has indicated the specific allegations and materials collected against each of the petitioners separately. The learned Special Public Prosecutor further points out that the Notice Inviting Tender (NIT) pertaining to the work in question was issued in the year 2017 and that the work still remains incomplete. It is submitted that despite the lapse of such a considerable period, the work has not been completed, although substantial amounts have already been released towards the execution of the project. The learned Special Public Prosecutor, therefore, opposes the grant of anticipatory bail.

14. Mr. U. Bori, learned counsel for the informant, submits that under the terms of the NIT issued in 2017, the work was required to be completed within twelve months. However, despite the lapse of several years, the work in question remains incomplete. The learned counsel for the informant as well as the learned Special Public Prosecutor, further contend that the matter concerns the utilisation of public funds and the alleged wastage of public money.

15. I have perused the relevant materials available on record, considered the rival submissions and also the decisions cited at the Bar.

16. The allegations pertain to gross irregularities, negligence and misappropriation of public funds with regard to the PMGSY road construction projects under the Rural Works Division, Changlang District of the State. It appears from the records that though the projects were initiated and the tenders were issued in the year 2017 itself, despite the lapse of so many years, the works are still incomplete. The complainant, in his statement, has supported the allegations.

17. It is revealed from the complaint that, with regard to the first project, namely, the road from Changlang-Khonsa to Tamiyang (Watlom) Stage-II, only two kilometres of physical progress has been achieved, while the remaining fund is reportedly only Rs.30 lakhs. It is alleged that, in the second project, a completion certificate has been issued even though only 50% of the blacktopping work has been completed. The complainant has further stated that no action has been initiated regarding the lapses in construction despite several verbal and written complaints made to the authorities. As part of the investigation, the Investigating Officer has elaborated upon the duties and functions of the accused petitioners and their respective roles in relation to the works.

18. Thus, it is stated that *Mr. Sanju Kyadi*, the then Junior Engineer, RWD, Changlang, was posted there from *17.08.2021 to 12.11.2025*. He was the Site Engineer for the two projects and it was his duty to make entries in the Measurement Book and the Running Account Bills. In this context, it has been found that there is a mismatch between the entries made in the records and the

work executed on the ground.

19. It is further stated in the investigation that *Mr. Ponya Lollen*, the then Assistant Engineer, RWD, Changlang, was posted there from *10.07.2017 till July, 2022*. His duties included acting as the Site Engineer for the projects, supervising the works and making entries in the Measurement Book and the Running Account Bills. Here also, discrepancies have been found between the entries made in the records and the work executed on the ground.

20. It is further stated that *Mr. Bingdung Rido Allo* was the Executive Engineer, RWD, Changlang, from *September, 2021 to October, 2023*. His duties included checking the entries in the Measurement Book and the Running Account Bills, inspecting the work at the site and thereafter, passing the bills. It is alleged that the two PMGSY projects have been shown as completed, whereas, in reality, they are still pending.

21. Similarly, it is stated that *Mr. Hangtim Rekhung* was posted as the Executive Engineer, RWD, Changlang, from *16.11.2018 to 23.08.2021*. During this period, his duties included supervising the Measurement Book, the Running Account Bills and conducting site inspections before passing the bills. It is stated that, here also, discrepancies have been observed between the records and the actual work on the ground and that the road projects have been shown as complete though they are, in reality, still pending.

22. The Investigating Officer has further stated that the case is under investigation and that the investigation would be hampered if anticipatory bail is granted at this stage.

23. From the materials available at this stage, it can be said that, if accepted at their face value, they clearly reveal discrepancies between what is shown as

complete in the official records and what is actually found to have been completed on the ground. Completion certificates have also been issued with regard to part of the projects.

24. Upon perusal of the relevant documents, it is found that steps have already been initiated against the contractor and it is stated that he has been found to be physically evasive, having removed all his equipment, materials and other belongings from the site. The aforesaid facts and circumstances give rise to a strong suspicion of manipulation and siphoning of public funds, perhaps in collusions, which warrants a proper investigation. In such circumstances, it would not be prudent to place any fetters on the said investigation.

25. The decision in *Jay Shri* (supra) pertained to the principle of mere breach of contract not amounting to an offence of cheating and the caution of the Hon'ble Supreme Court against converting purely civil disputes into criminal cases. In my considered opinion, the factual matrix in the instant case being different, the same decision would not come to the aid of the petitioners.

26. In the decision in *Kamaljit Singh* (supra), an aspect of parity in the context of anticipatory bail was dealt into by the Hon'ble Apex Court. In the instant case, one employee of the department, who was granted a pre-arrest bail by a co-ordinate Bench of this Court was a cashier and perhaps not the authority for execution of the work and issuance of completion certificates. Moreover, in view of the materials revealed by the investigation, this Court has found force in the contention of the I.O. in the *status report* that anticipatory bail at this stage could prejudice the investigation. Therefore, I am not inclined to take a view in favour of the petitioners herein by drawing the principle of parity.

27. Accordingly, in view of the above, the instant application for pre-arrest bail stands rejected at this stage.

28. Consequently, the interim pre-arrest bail granted to the petitioners stands vacated.

29. The bail application stands disposed of.

30. The case diary be returned.

31. Anything stated in the bail petition should not be taken as expressing any opinion on the merit of the trial, if any.

JUDGE

CHECKED & VERIFIED

Digitally signed
by Jumbi Bam
Date: 2026.08.06
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Comparing Assistant