Item – 30

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

AB No. 37 of 2019

Rita Pamei

... Petitioner/s

- Versus -

State of Manipur & Anr.

... Respondent/s

BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN

30.01.2020

[1] I heard Mr. N. Umakanta, learned counsel for the petitioner as well as Mr. H. Samarjit, learned PP.

[2] Since accused No.1, who is the then Commissioner, TAH & SC, was arrested and released on bail by order dated 24.07.2019 passed by the Learned Special Judge (PC), Imphal West. Accused No.2, the then Deputy Chief Minister (TAH&SC), was granted interim anticipatory bail by order dated 14.02.2019 passed by the Learned Special Judge (PC), Imphal West in Cril.Misc.(AB) Case No.26 of 2019 and pursuant to the order dated 11.04.2019 passed by the Learned Special Judge (PC), Imphal West in Cril.Misc.(AB) Case No.26 of 2019, the interim anticipatory bail order dated 14.02.2019 passed in favour of accused No.2 was made absolute. The present petitioner who is accused No.3, Secretary St. Anthony's Educational Society Poumai Colony, was granted interim anticipatory bail by order dated 14.02.2019 passed by the Learned Special

Judge in Cril.Misc.(AB) Case No.24 of 2019 and by order dated 11.04.2019 passed by the Learned Special Judge, Imphal West, the interim anticipatory bail order dated 14.02.2019 passed in favour of the Accused No.3, who is the petitioner herein, was cancelled.

[3] Therefore, this petitioner who is Accused No.3 had approached this Court and filed this anticipatory bail petition. The respondent police has filed his objection.

[4] It is the case of the prosecution that granting of amount for construction of the building by the then Government in which the main accused in this case was the then Commissioner (TAH&SC) and the respondent police unless to investigate the case in detail in respect of granting finance approval which should be gone into by way of trial in the Cril. Case.

[5] Admittedly, after filing of this anticipatory bail petition, this Court by order dated 02.08.2019 has granted interim anticipatory bail to the petitioner directing the respondent police not to arrest the petitioner and since then, the interim order is periodically extended till date.

[6] After granting interim anticipatory bail to the petitioner, the petitioner also appeared before the respondent police and investigation was also completed in most of the part. Accused Nos.1&2 were already examined in this case and the charge sheet is likely to be filed before the Court concerned.

[7] In the above circumstance, if the anticipatory bail is

granted to this petitioner, no prejudiced will be caused to the respondent police in continuing the investigation and the charge sheet is likely to be filed before the Court concerned.

[8] Since in respect of granting and sanctioning of the said amount for construction of the said building by the Accused No.1, who was the main accused in this case and this petitioner who is not the sanctioning authority but Secretary, St. Anthony's Educational Society as a beneficiary, is nowhere connected with the sanctioning of the amount by the Government. In the said circumstances, once this Court granted interim anticipatory bail to this petitioner, there is nothing prejudiced to the respondent police for granting anticipatory bail to this petitioner.

[9] Therefore, without going into the merits and demerits of the case, this Court is inclined to pass the following orders:-

i) the petition is allowed;

ii) the petitioner is directed to execute two sureties like sum of Rs.1,00,000/- (Rupees one lakh) each to the satisfaction of the Learned Special Judge (PC), Imphal West;

iii) the petitioner is directed to report before the respondent police daily at 10.00 a.m. for 1(one) week and co-operate with the investigation.

iv) Thereafter, as and when required, the

petitioner is directed to appear before the respondent.

v) If any condition is violated by the petitioner, the respondent is given liberty to approach this Court for cancellation of the bail.

JUDGE

-Larson

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TONEN MEITEI

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