GAHC010173552020

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

Case No. : AB/3491/2020

SARALA MALAKAR
W/O HEMANTA MALAKAR, D/O MADAN MALAKAR, R/O VILL-PUSPAKPUR, WARD NO.10, NALBARI TOWN, P.O.-MILANPUR, P.S.-NALBARI, DIST-NALBARI (ASSAM), PIN-781337

VERSUS

C.B.I., A.C.B, GUWAHATI
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR

Advocate for the Petitioner : MR S C PANDIT

Advocate for the Respondent : SPL. PP, C.B.I.

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

22.12.2020

By this pre-arrest bail application under Section 438 CrPC, petitioner, namely, Smt Sarala Malakar, has sought for pre-arrest bail, in the event of his arrest in connection with CBI ACB Case No. 0172020A0001 [R.C. 1(A)/2020], under Sections 120B, read with Sections 420/467/468/471 IPC and under Section 13(2), read with Section 13 (1) (d) of the Prevention of Corruption Act, 1988 (As amended in 2018).

Heard Mr S C Pandit, learned counsel for the petitioner. Also heard Mr S C Keyal, learned Special Public Prosecutor for the CBI.

Also perused the record and the Case Diary.

On the basis of the Case Diary and the materials collected so far, Mr Keyal has submitted that the petitioner, by swearing as an widow in MAC Case No. 44 of 2017, has obtained an award of Rs. 6,50,000/- (Rupees Six Lacs Fifty Thousand Only), whereas, her husband is still alive and such a case depicts a clear case of fraud on the part of the petitioner and the petitioner is not entitled to the privilege of pre-arrest bail.

The petitioner has refuted the contention raised by the respondent, and simply stated that she signed blank papers to counsels, with a view to draw benefit under the Government Scheme, which is not maintainable.

In view of the severity of the allegation and the complicity of the petitioner in the alleged offence, this Court is of the opinion that it is not a fit case to grant the privilege of pre-arrest bail to the petitioner. Accordingly, the Anticipatory Bail Application is hereby rejected.

Return the Case Diary.

JUDGE

Comparing Assistant