

GAHC010006412024



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

Case No. : AB/125/2024

TARUNIMA DUTTA
W/O RAMESH RAY
R/O NO. 2 MAJGAON
P.O. AND P.S. SILAPATHAR
DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

09.02.2024

Heard Mr. D. Gogoi, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Silapathar P.S. Case No.71/2022, under

Section 420/468/471 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Smt. Tarunima Dutta, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Prasanta Chetia, on 11.04.2022. The essence of allegation made in the aforesaid FIR is that the applicant Smt. Tarunima Dutta got elected in the Silapathar Municipal Board as Ward Commissioner from Ward No.2 by filing fake documents of her educational qualification.

4. Mr. Gogoi, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court vide order dated 11.01.2024 and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency.

5. Producing the Pass Certificate of High School Leaving Certificate Examination, 2005, Marks-Sheet and the Admit Card of the applicant, Mr. Gogoi also submits that the same was corrected on 09.01.2024 and in the earlier certificate and admit card issued by the Board, the name of the applicant was wrongly mentioned as Tarunima Baruah and in fact, she is Tarunima Dutta and the said fact has duly been mentioned in the Pass Certificate issued by the Assam Higher Secondary Education Council on 22.05.2007 and that the applicant is innocent and she is ready to face trial and therefore, it is contended to allow the petition.

6. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected one letter dated 22.07.2022, issued by the Secretary, Board of Secondary Education, Assam, wherein it is stated that the name of the applicant was mentioned as Tarunima Baruah, D/o Manik Baruah and that there is no note of the I.O. in respect of appearance of the applicant before him.

7. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case

diary with the assistance of Mr. Sarma, learned Additional P.P. and also perused the Registration Card, Admit Card, Marks-Sheet and the HSLC Pass Certificate issued by the Board of Secondary Education, Assam, on 09.01.2024, which reveals that the name of the applicant has been corrected as Tarunima Dutta instead of Tarunima Baruah.

8. Further it appears from the Pass Certificate issued by the Assam Higher Secondary Education Council, dated 22.05.2007 and also the Pass Certificate issued by the Sissi Borgaon Jr. College dated 24.07.2008 that the name of the applicant in fact is Tarunima Datta and not Tarunima Baruah.

9. Having considered above and also considering the stage of investigation and also in view of the fact that the applicant has been cooperating with the investigating agency, her custodial interrogation seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 11.01.2024, absolute, in the same terms and conditions. Case diary be returned.

10. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant