

Crl. Misc. (B) Case No. 494/2020

21.09.2020 Learned Advocate for the accused/petitioner Sri Ajoy Chutia is present.

Called for C/D of Dibrugarh P.S. Case No. 1360/2020 is received.

Heard both the sides through video-conferencing. Perused the C/D.

A gist of the allegations levelled in the FIR dated 17.08.2020, lodged by one Sri Mintu Chutia, is that the informant provided financial help to the accused/petitioner and one Sri Bipul Sonowal to utilize his hard-earned money in their several contractual works under the PWD Department and he also invested a huge amount of money in their contractual work for construction and maintenance of Rural Roads under PMGSY 2017-18 Bath-2 in Dibrugarh District Package No. AS-06-250 and Construction of Moran Town Road: Jaya Road (Ch. 500.00 m to Ch. 740.00 m) under SOPD for the year 2018-19 under PWD, Dibrugarh Rural Road Division-Moran Lac, Package No. DRRD/SOPD/13 respectively. But after completion of their aforesaid contractual works, they did not pay his receivable amount worth Rs. 3,00,000/-. That apart, on 23.07.2020 the informant came to know upon enquiry that the accused/petitioner and said Sri Bipul Sonowal also misappropriated huge amount of Govt. and Public money by depositing some false and fabricated documents in relation to the aforesaid work of PWD. On receipt of the FIR, a case has been registered being Dibrugarh P.S. Case No. 1360/2020 u/s 120B/420/406/468 of IPC.

It is submitted on behalf of the accused/petitioner that the accused/petitioner is a Class-I registered Contractor of PWD Roads of Assam Government and the complainant/informant is the Ex-President of NSUI of Dibrugarh District as well as the Ex-Secretary of Assam State NSUI. It is submitted that since after the rule of BJP Government in Assam the complainant has no specific work for his livelihood and as such he sometime employed himself in the Office of PWD Department and Assam Secretariat and by

Crl. Misc. (B) Case No. 494/2020

21.09.2020.
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this way he knew the accused/petitioner and performed some of the clerical jobs of the accused/petitioner and got sufficient remuneration for the same from the accused/petitioner. It is submitted that the complainant never invested any capital in the contractual works of the accused/petitioner, but lodged the FIR for obtaining wrongful profits. It is further submitted that no forgery was committed by the accused/petitioner as alleged in the FIR, rather after satisfaction of the Bid the PWD Department issued formal Work Order to the accused/petitioner and after performance of the contractual work the Office of the PWD Department issued Completion Certificate to the accused/petitioner and also cleared the contractual bill. It is submitted that the FIR has been lodged with totally false and baseless allegations.

On the other hand, learned Addl. P.P. has submitted that pre-arrest bail may not be granted to the accused/petitioner for the sake of smooth progress of investigation.

A perusal of the C/D shows that during the investigation the I/O has recorded statements u/s 161 Cr.P.C. of some witnesses, including that of the complainant, and also seized some documents on being produced by the complainant. It is seen from the C/D that the complainant had procured copies of some Bid documents of the accused/petitioner and Sri Bipul Sonowal through RTI, and it is the allegation of the complainant that the documents of Technical Key Persons (B.E.'s and J.E.'s) submitted by them along with their Bid documents are false and fabricated. The C/D elicits that the I/O has already written to the concerned authorities for verification of the documents, and reports are still awaited. Needless to say, the allegation regarding submission of false and fabricated documents is serious in nature. The accused/petitioner is one of the FIR-named accused persons. The investigation into the case is in progress. I do not think it is a fit case to extend the benefit of pre-arrest bail to the accused/petitioner, for there is possibility of tampering with the

Crl. Misc. (B) Case No. 494/2020

21.09.2020. evidence and hampering the investigation if the accused/petitioner
Contd. is granted pre-arrest bail at this stage.

Considering all the above aspects in entirety, the pre-arrest bail prayer of the accused/petitioner Sri Ajoy Chutia stands rejected at this stage.

Send back the C/D along with a copy of this Order.

A copy of this Order be released to the concerned party as "Certified to be a true copy" under the signature of the Bench Assistant.

This Crl. Misc. (B) case accordingly stands disposed of.

Addl. Sessions Judge,
Dibrugarh