

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**AB No.46 of 2023**

MUTUM SHYAMSUNDER

...*Petitioner/s*

- Versus –

SUPERINTENDENT OF POLICE, CI.D. (CB) MANIPUR / O.C., CB AND 2  
OTHERS

...*Respondent/s*

**With Cril.M.C. No.33 of 2023**

**BEFORE  
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

**ORDER**

**25.10.2023**

[1] Heard Mr. Ajoy Pebam, learned counsel for the petitioner.

[2] It is submitted that the petitioner is a Section Officer in the Office of the ADC, Senapati. On the basis of Complaint Case No.5 of 2020 initiated by Manipur Lokadalat, FIR No.5(09)2023 CB-PS U/S 7(b)/13 PC Act and Section 120-B/34 IPC was registered in which the petitioner is accused No.8. The FIR is regarding financial mismanagement in the ADC, Senapati. It is stated that the petitioner has no role and he was performing duty as per rule and as directed by the higher authority.

[3] Issue notice to the petition as well as to the Misc.Case.

[4] Mr. M. Rarry, learned Sp.PP appears and accepts notice on behalf of respondent Nos.1 & 2. Hence, no formal notice is required with regard to these respondents.

[5] The petitioner/applicant is directed to take steps with respect to respondent No.3 in the petition as well as the Misc.Case by dasti returnable on 31.10.2023.

[6] Mr. Ajoy Pebam, learned counsel for the petitioner submits that in similar matter arising out of the same FIR, i.e., AB Nos. 32, 33 & 34 of 2023, the petitioner who is an elected MLA and one of the members of the ADC, Senapati, has been granted interim protection by this Court and prays for similar relief for the present petitioner also as he is a Government servant and if he is arrested in the course of the investigation, he may be liable for suspension and facing disciplinary proceeding.

[7] Mr. M. Rarry, learned Sp.PP draws the attention of this Court to the judgment of Hon'ble Apex Court in the case of ***Sushila Aggarwal vs. State of NCT, Delhi reported as (2020) 5 SCC 1 Para 85.2*** and the judgment in ***P. Chidambaram vs. Directorate of Enforcement reported as (2019) 9 SCC 9 Para 72 to 79*** where the Hon'ble Apex Court laid down the principle that even for the interim protection in economic offences, the prosecution has to be heard before granting

limited interim bail.

[8] Mr. M. Rarry, learned Sp.PP also highlighted that the investigating authority is facing very difficult situation in the investigation as limited interim protection was granted to the accused who are high profile officials and prays that interim may be granted only after hearing the true facts of the case.

[9] Mr. Ajoy Pebam, learned counsel for the petitioner submits that in the same FIR, other accused persons have been granted interim protection by this Court and the petitioner is also entitled to the same protection.

[10] Considering all these facts, it is hereby ordered that if the petitioner is arrested by the police in connection with FIR No.5(09)2023 CB-PS U/S 7(b)/13 PC Act & 120-B/34 IPC before the next date of hearing, he shall be released on bail on his furnishing a bail bond of Rs.50,000/- (Rupees fifty thousand) with one surety (Government employee) to the satisfaction of the Arresting Authority. It is also made clear that the petitioner should co-operate with the investigation and he should make himself available for interrogation by the I.O. of the case in connection with the said FIR as and when required. The petitioner should not leave the State of Manipur without prior permission of the Arresting Authority. It is further made clear that if the petitioner violates any of the conditions given hereinabove, the respondents are at liberty to approach

this Court for modification or cancellation of this interim order.

[10.1] It is made clear that granting interim protection to the accused person/petitioner cannot be used as blanket during the course of investigation by the petitioner.

[11] List these cases on 31.10.2023 along with AB No.36 of 2023 before the roster Court.

[12] Furnish a copy of this order to the learned counsels appearing for the parties.

**JUDGE**

*- Larson*