

GAHC040000442023



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

Case No. : BA 5/2023

1:Likha Tar
S/o Late Likha Taje,
R/o Village Kuch Kuth, PO/PS Yazali, District Lower Subansiri, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP
Represented by Public Prosecutor.

Advocate for the Petitioner : Taba Tagum

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

07.02.2023.

This is an application made under **Section 439 Cr.P.C.**, seeking bail to the accused namely, **Shri Likha Nagla @ Tibin** who was arrested on 11.06.2022 in connection with **Doimukh P.S. Case No. 30/2022**, registered under **Sections 302/34 of the IPC.**

Heard Mr. T. Tagum, learned counsel appearing for the petitioner and Ms. T. Jini, learned Additional Public Prosecutor, for the State of Arunachal Pradesh.

One Smti. Likha Yakam wife of the deceased was alleged to have been brutally attacked by her deceased husband on 10.06.2022. It is alleged in the FIR that the brothers of the said Likha Yakam, had taken law into their hand and as a revenge, mercilessly beaten up and inflicted grievous injuries and finally after some treatment, the husband of Likha Yakam expired. Accordingly, the case was initially registered under Sections 326/307 of the IPC. However, after death of the deceased, Sections 302/34 of the IPC was added.

The present petitioner is one of the brothers of Likha Yakam and brother in law of the deceased. During the course of the investigation, total three accused persons including the present petitioner were arrested, one of which was granted bail by this Court prior to filing of the charge sheet. The other 7 (seven) persons were granted pre-arrest bail by this Court under different orders.

After completion of the investigation, the police had filed charge-sheet under Section 302/120(B)/34 of the IPC against the accused persons on 10.09.2022.

The present accused person was arrested on 11.06.2022 and since then he has been in jail. This Court called for the scanned copies of the case record along with the case diary which has been received and perused by this Court. From the materials available it is seen that though charge-sheet was filed on 14.06.2022, not a single witness has been examined and the I.O. is praying for filing of supplementary charge sheet which is reflected from the charge-sheet itself.

Considered the materials so far collected. Also perused the statement recorded by the I.O. under Section 161 Cr.P.C. There is no eye witness to the alleged incident. Most of the witnesses stated before the police that some Likha

boys had beaten the deceased to death. Some other witnesses deposed that they heard that brother of Likha Yakam has beaten the deceased to death. One of the witnesses stated that he saw that the body of the deceased was lying and some Likha boys were surrounding him. Considering the matter in entirety, this Court is of the view that further detention of the accused person shall not be necessary.

The apprehension expressed by Ms. T. Jini, learned Additional Public Prosecutor that if the present accused person is released on bail, he may hamper or tamper with the witnesses and influence the witnesses by threatening. Such apprehension can be addressed by giving strict condition of bail.

Accordingly, the accused, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of **Rs.10,000/-** with **one suitable surety**, of the like amount, to the satisfaction of learned Chief Judicial Magistrate, Yupia, Arunachal Pradesh.

The direction for bail is subject to the further conditions that the accused:

(a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Yupia, Arunachal Pradesh, without prior written permission;

(b) shall not hamper with the investigation of the case and tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(d) shall not try to meet the relatives of deceased including the informant through any means like, telephone, social media etc.

In terms of the above, this bail application stands disposed of.

Return the case diary.

While parting with the record, it is clarified that the observation made in this order is only for the purpose of consideration of the prayer for bail and the learned Trial Court should not be influenced by such observation during the trial.

JUDGE

Comparing Assistant