

GAHC040001772023



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

Case No. : BA 12/2023

1:Kaya Parang Londa
Son of Sri Harang Londa,
Resident of Londa Village, PO Bameng and PS Seppa, East Kameng District,
Arunachal Pradesh.
Mobile No. 91609605878

VERSUS

1:THE STATE OF AP
Represented by the Public Prosecutor.

Advocate for the Petitioner : G Taloh

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA
ORDER**

Date : 21-02-2023

Heard Mr. G. Taloh, learned counsel for the applicant. Also heard Mr. J. Tsering, learned Public Prosecutor representing the State respondent.

This application is filed under Section 439 of the Code of Criminal Procedure, 1973, is preferred by the applicant, namely, Kaya Parang Londa, on behalf of the alleged accused Sri Micheal Tajo, who has been languishing in jail hazot in connection with Rupa Police Station Case No.21/2022, under Section 120(B)/170/186/353/364(A)/34 of the Indian Penal Code *read with* Sections 15(C)/16(b)/18 of UAP Act.

It is submitted by the learned counsel for the applicant, Mr. G. Taloh, that the earlier bail application of the present accused/applicant was rejected vide order dated 23.01.2023, passed by the learned District & Sessions Judge, Bomdila, upon perusal of the case diary. It is also submitted that the case has already been charge-sheeted. More so, the parties have amicably settled their dispute and in respect of the same one Deed of Agreement have been signed between the parties on 28.01.2023 at Bomdila, which is annex at Annexure-3 of the petition. The applicant has also submitted that the whole dispute arose only because of some misunderstanding. But, the accused/applicant is behind the bar since 05.12.2022, and therefore, further custodial interrogation of the accused/ applicant is not at all necessary in the present case. There is no chance of absconding or hampering investigation or tampering the witnesses if

the accused/applicant is released on bail. Further, he will fully co-operate with the I.O. in connection with the investigation of this case and therefore, it is prayed to enlarge the accused on bail.

On the other hand, Mr. J. Tsering, learned Public Prosecutor, has submitted that the accused/applicant's earlier bail application prayer was rejected and the order was passed upon perusal of the case diary, where a sufficient incriminating material was found against the present alleged accused person. However, the learned Public Prosecutor submitted that considering the length of detention and the mutual settlement between the parties, his bail prayer may be considered.

Considering the submissions of learned counsel for both sides as well as considering the length of detention already undergone by the accused/applicant and upon perusal of the LCR, it is seen that the case has already been charge-sheeted against the present alleged accused and it is also admitted that he has been languishing in jail since 05.12.2022. Also considering the ground of compromise between the parties and other aspect of this case, I am of the view that further custodial interrogation of the alleged accused is not necessary here in this case, as the IO got ample opportunity to interrogate with the accused/applicant in custody, thus I find it appropriate to allow the alleged accused to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned District & Sessions Judge, Bomdila, the alleged accused, namely, Sri Micheal Tajo, be enlarged on bail, subject to the following

conditions:

- (i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the applicant 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; and
- (iii) that the applicant shall not leave the jurisdiction of the learned District & Sessions Judge, Bomdila, without prior permission.

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

JUDGE

Comparing Assistant