GAHC040002282023

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

Case No. : BA 15/2023

1:Kenba Gadi
Wife of Sri Monu Ruddin Ali,
Resident of Barchala Village, PO and PS Nabusha, Lakhimpur District, Assam.

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 : 22.02.2023

Heard Mr. G. Taloh, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Public Prosecutor for the State of Arunachal Pradesh.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail to the accused, who has been languishing in

jail hazot in connection with Rupa P.S. Case No. 21/2022, under Sections 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 petitioner, Mr. G. Taloh, that the accused was arrested in connection with the present case on 06.12.2022 and since then he is behind the bar. Further it is submitted that the another co-accused, Shri Micheal Tajo, has already been granted bail by this Court yesterday, i.e. on 21.02.2023, in BA No. 12/2023, and accordingly prayed to consider the bail prayer for the present accused on the ground of parity. Further it is submitted that the present accused is an employee under the prime accused- Shri Micheal Tajo and he was not at all involved in any offence as alleged in the F.I.R. Further it is submitted that on 09.01.2023, a petition for bail was moved before the learned Sessions Judge, Bomdila, but the same was rejected and hence the present petition has been filed seeking bail for the present accused. It is also submitted that the victim has already arrived at an amicable settlement with the prime accused- Shri Micheal Tajo and a copy of the said Deed of Agreement is also annexed as Annexure-3 to the petition. Further it is submitted that the present accused is a permanent resident of his addressed locality and hence there is no chance of absconding if the accused is enlarged on bail. More so, he will regularly appear before the learned Court below and will co-operate in the trial of the case. The accused is behind the bar since 06.12.2022 and considering his length of detention also, the accused be released on bail.

In this context, the learned Additional Public Prosecutor, Mr. T. Ete, also

submitted that the co-accused has already been released on bail yesterday, i.e. on 21.02.2023, in BA No. 12/2023, considering the amicable settlement arrived at between the parties and hence, considering the length of detention and on the ground of parity, the bail petition for the present accused can also be considered.

After hearing the submissions of learned counsels of both sides, I have perused the LCR, which is available before this Court as it was called for in connection with BA/12/2023.

It is an admitted fact that the accused is behind the bar for last 76 days and hence, I find that further custodial detention of the present accused is not necessary and in the same time, also considering the amicable settlement arrived at between the prime accused and the victim as well as other aspects of the case, I find that further custodial interrogation of the accused seems to be not necessary here in this case.

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 Sessions Judge, Bomdila, the accused, namely, Shri Monu Ruddin Ali, be enlarged on bail, subject to the following conditions:

(i) that the accused shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the accused 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 accused shall not leave the jurisdiction of the learned Sessions Judge, Bomdila, without prior permission.

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

JUDGE

Comparing Assistant