

GAHC040007062023



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

Case No. : BA 54/2023

1:Makio Raji
S/o Shri Yorgiam Sari, a Permanent Resident of Village Sari, Circle Chetam, PO/PS
Daporijo, District Upper Subansiri, and presently residing at Forest Colony Daporijo,
PO/PS Daporijo, District Upper Subansiri, Arunachal Pradesh. Ph. No. 6033917948

VERSUS

1:THE STATE OF AP
Represented through Public Prosecutor.

Advocate for the Petitioner : T Bayor

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 13.06.2023

Heard Mr. P. Kr. Gour, learned counsel for the petitioner and also heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

This is an application under Section 439 Cr.P.C for grant of bail to the accused namely Shri Jekak Raji, in connection with Daporijo P.S. Case No.

15/2023, under Section 376 D IPC.

Mr. P. Kr. Gour, learned counsel for the petitioner submits that pursuant to the registration of FIR, Dapojiro P.S. Case No. 15/2023 under Section 376 D IPC, the alleged accused person was arrested on 25.04.2023 since then he is in judicial custody. He submits that the alleged accused person is suffering from various ailments and he is the only sole bread earner of his family and he is cooperating with the investigation of this case and will continue to do so. Mr. Gour further submits that the statement of the victim under Sections 161 and 164 of Cr.P.C has already been recorded during the judicial custody and no further custodial interrogation is required, therefore, the accused may be allowed to go on bail on any condition which may be imposed by this court, to which the accused shall religiously abide by it.

This court on 31.05.2023 has called for the Case Diary. Same is produced by the learned Additional Public Prosecutor for the State.

Ms. T. Jini, learned Additional Public Prosecutor submits that all the statements of the witnesses including the accused person have been recorded under Section 161 Cr.P.C. The statement of the victim under Section 164 Cr.P.C is yet to be recorded and the medical report is awaited at this stage. Therefore, she fairly submits that no custodial interrogation may be required.

Having considered the submissions advanced by the learned counsel for the parties and also the materials available in the Case Diary, this Court is of the considered view that the accused person is entitled for privilege of bail.

Accordingly, the accused person namely Shri Jekak Raji shall be released on bail on the following conditions:

- (i) The accused shall appear before the I.O in connection with Daporijo P.S. Case No. 15/2023 as and when required.
- (ii) The accused shall be released on bail on furnishing a bail bond of Rs. 10,000/- with surety of like amount to the satisfaction of investigating authority.
- (iii) The accused shall not terrorise or tamper with the prosecution witness in any manner whatsoever.
- (iv) The accused shall not leave the jurisdiction of the investigating authority without express permission.

This bail application, accordingly is allowed, and stands disposed of.

JUDGE

Comparing Assistant