

GAHC040007072023



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

Case No. : AB 26/2023

1:Tadak Chokar
Son of Late Tania Chokar,
Resident of Haying Buri Village, Upper Subansiri District, A.P
Mobile No. 9034420250

VERSUS

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

Advocate for the Petitioner : Taja Garam

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 05-06-2023

Heard Mr. T. Garam, learned counsel for the applicant as well as Ms. T. Jini, learned Addl. PP for the State of Arunachal Pradesh.

Mr. A. K. Singh, learned counsel appeared on behalf of the informant assisting the learned Addl. PP.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of pre-arrest bail to the applicant, namely, ***Shri Tadak Chokar*** in connection with Raga P.S. Case No.05/2023 registered

under Sections 447/386/427/325/153(A)/34 of the IPC, 1860.

The briefs facts leading to filing of this application is that one Smti Rage Lomdak Murtem, Proprietor of M/s RLM Oil Depot, Village-Jigi, PO/PS-Raga, District-Kamle, Arunachal Pradesh lodged an FIR on 26.05.2023 alleging that at around 12.30 AM one Shri Tomo Konia, General Secretary of All Upper Subansiri District Students Union along with a group of boys came in 4 (four) vehicles armed with lethal weapons (Hammers and Daos) extorted cash by trespassing into the compound of M/s RLM Oil Depot and completely vandalised the same and other properties and thereafter, fled away. They also scolded the informant as duplicate nyishi. Accordingly, a case being Raga P.S. Case No. 05/2023 was registered under Sections 447/386/427/325/153(A)/34 of the IPC, 1860.

Shri Tomo Konia and some accused persons were arrested by the Police pursuant to the registration of the aforesaid FIR.

Mr. T. Garam, learned counsel for the applicant submits that the applicant was neither present at the time of the incident nor he was aware of the same inasmuch as, during the time of the incident, the applicant was at Itanagar for his personal works. However, he has been informed by his relatives that the Police had visited his house on the pressure of the complainant to arrest him merely on the ground that the applicant is the President of All Upper Subansiri District Students Union.

He submits that in view of the visit of the applicant's house by the Police and on being pressurised, the applicant apprehends that he may be arrested on the basis of the false allegation against him. Therefore, he may be granted pre-arrest bail with any conditions that may be imposed by this Court to which the applicant undertakes to abide by it.

This Court on 31.05.2023 had called for the Case Diary. Today, Ms. T. Jini, learned Addl. PP has produced the Case Diary.

Ms. T. Jini, learned Addl. PP while referring to the statements of Smti. Rage Lomdak Murtem, the informant/complainant recorded under Section 161 Cr.P.C. and the statement of one Shri Namgin Nayam one of the co-accused submits that as per the statements of both the co-accused and the complainant, it clearly reveals that the applicant, herein, was also involved in the said incident. Therefore, at this stage, if the applicant is granted pre-arrest bail, there is likelihood of causing prejudice to the investigation and as on date, only 3 (three) accused persons have been arrested and there are more than 20 (twenty) accused persons who are yet to be arrested.

Though, as per the statement of the complainant and the co-accused Shri Namgin Nayam, it reveals that name of the applicant has also been mentioned in their statement, interest of justice will be subserved, if the applicant is allowed to appear before the I.O. for interrogation and in the event of arrest, he will be released on bail as no prejudice will cause to the investigation and as such this Court deem it fit, to grant pre-arrest bail to the applicant, namely, ***Shri Tadak Chokar***.

Accordingly, in the event of the arrest of the applicant, namely, ***Shri Tadak Chokar*** in connection with Raga P.S. Case No. 05/2023 registered under Sections 447/386/427/325/153(A)/34 of the IPC, 1860, he shall be released on furnishing a bail bond of Rs.25,000/- with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to following conditions:-

(i) that the applicant shall appear before the concerned I.O. of the case within a period of 7 (seven) days from today;

(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 jurisdiction of Officer-in-Charge of Raga Police Station, Kamle District, Arunachal Pradesh without prior written permission.

In the event of failure to abide by the above terms and conditions by the applicant, the investigating authority will be at liberty to approach this Court for cancellation of the bail.

This anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant