

GAHC040009212023



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

Case No. : AB/38/2023

Ravi Baki
Son of Taya Baki,
Resident of Charu Village, Nacho, Upper Subansiri District, AP.
Mobile No. 9402898975

VERSUS

THE STATE OF AP
Represented by the Public Prosecutor.

Advocate for the Petitioner : Taja Garam

Advocate for the Respondent : Ms. L. Hage, Addl. P P of AP

**BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 26.07.2023

Heard Mr. T. Garam, learned counsel for the petitioner. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail the accused/petitioner, who is apprehending arrest in connection with Mechuka P.S. Case No. 05/2023, under Sections 498(A)/506 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner that in the present case the complainant is the wife of the petitioner and due to some misunderstanding and quarrel between them due to applicant's relationship with another lady, the present F.I.R. has been lodged by the complainant. Further it is submitted that after obtaining the interim pre-arrest bail, the petitioner has already appeared before the I.O. and recorded his statement under Section 161 Cr.P.C. He is further ready to co-operate with the I.O. in the investigation of the case and ready to appear before the I.O. as and when called for and

accordingly, it is prayed to make the interim pre-arrest bail order absolute.

In this context, Ms. L. Hage, learned Additional Public Prosecutor, has submitted that though there was some talk of settlement between the parties, however the supplementary F.I.R. has been lodged with the allegation of physical assault and hence, it cannot be held that there is any settlement between the parties.

After considering the submissions made by the learned counsels for both sides and also considering the materials available in the Case Diary, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/ petitioner vide order dated 13.07.2023, is hereby made absolute with the following terms and conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when called for;
- (ii) that the petitioner must not engage in any form of physical violence, harassment, or threatening behavior towards the complainant, directly or indirectly;
- (iii) that the petitioner 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 or tamper with the evidence of the case; and

- (iv) that the petitioner shall not leave the territorial jurisdiction of the concerned police station without prior permission.

Violation of the any of the above terms and conditions may result in the revocation of bail, leading to accused immediate arrest and additional legal consequences.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant