

GAHC040010402023



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

Case No. : BA/70/2023

Doli Ingo
S/o Mendo Ingo,
Permanent Resident of Logum Jini Village, PO/PS Aalo West Siang District,
Arunachal Pradesh.
PIN 791001

VERSUS

THE STATE OF AP
Through the Public Prosecutor, Arunachal Pradesh.

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.08.2023

Heard Mr. R. Ingo, learned counsel for the petitioner. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

This is a subsequent bail application filed on behalf of accused person namely Shri Deepak Hazarika, who has been languishing in jail since in connection with Pasighat P.S. Case No. 51/2023 under Section 302/34 IPC.

It is submitted by the learned counsel for the petitioner that the present subsequent bail application has been filed only on humanitarian ground that there is no one to look after his old aged ailing mother, who is also suffering from various kinds of diseases, and to substantiate the same fact, the learned counsel also submitted 3(three) numbers of medical prescription showing that his mother is ill since the year 2018. Further it is submitted that the father of the accused is also an aged person and he is not in a position to look after his wife/mother of the accused. Accordingly, considering the health ground of the mother of the accused and on humanitarian ground it is submitted that the present bail application may be allowed. The accused is the permanent resident of his addressed locality and there is no chance of absconding if he is enlarged on bail and he will fully co-operate with the I.O in the further investigation of this case and he also wants that the main culprit should be booked in connection with this case.

In this context, the learned Additional Public Prosecutor Ms. T. Jini has submitted that in the earlier bail application the same ground of illness was taken but it was rejected by this Court vide order dated 02.08.2023 and accordingly, without any new or urgent ground, the present bail application cannot be allowed.

She further submitted that in the earlier bail application the age of the mother was mentioned as 80 years, however, in the present petition, as per the prescription, it shows that his mother is 55 years of age and thus, she is not so old as claimed by the petitioner. Accordingly, it is submitted by the learned Additional Public Prosecutor that the ground taken by the accused with regards to the illness of his mother as prescribed by the doctor which is annexed as annexure-V to the petition also it does not speak about any serious illness of his mother to allow the accused to go on bail at this stage and hence, without urgent or new ground the present subsequent bail application cannot be allowed only on humanitarian ground.

After hearing the submission made by the learned counsel for both sides, I have perused the case record as well as the annexures filed along with the petition.

It is seen that on 02.08.2023, the bail petition of the present accused was rejected on perusal of the Case Diary and the relevant document and also considering the report of the I.O as well as the gravity of the offence and the stage of the investigation of this case. It was observed that for the purpose of just and proper investigation further custodial interrogation may be necessary in this case. Coming to the ground taken by the petitioner for the illness of his mother, it is seen that from the prescription, which is annexed along with the petition, also it does not speak about any serious illness of his mother and the

age of his mother is also mentioned as 55 years and it is also come to the notice of this court that the father of the accused is still alive with his ailing mother.

In view of the above and also considering the stage of the investigation and the gravity of offence as well as considering the report of the I.O, I find that the present bail application which is filed mainly on humanitarian ground cannot be considered and accordingly, the same stands rejected.

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

JUDGE

Comparing Assistant