

GAHC040010512023



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

Case No. : BA/71/2023

Tojum Lollen
S/o Shri Duto Lollen,
R/o Village Kombo Tarsu Mobuk,
PO/PS Aalo, District West Siang, Arunachal Pradesh.
Mobile No. 918731981384

VERSUS

THE STATE OF AP
Through the Public Prosecutor.

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 02.08.2023

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

2. This is subsequent bail application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused, who has been arrested in connection with Pasighat P.S. Case No. 51/2023, under Sections 302/34 of the Indian Penal Code.

4. It is submitted by the learned counsel for the petitioner, Mr. J. Jini, that the present subsequent bail application has been filed only on the ground of the medical issues of the accused's wife, who is at present more than 8 (eight) weeks pregnant, and accordingly, he also furnished the medical certificate along with the ultrasound report etc. It is also submitted that the wife of the accused is a housewife and she is pregnant and there is no one to look after her at this critical condition. Apart from that, he is also having a minor child, who is looked after by his wife only. The accused along with his wife were residing separately and at present, there is no one to look after his pregnant wife and minor child. He is a permanent resident of his addressed locality and he will fully co-operate with the I.O. in the investigation of the case if he is granted with the privilege of bail. Moreover, he also wants to find out the actual fact and main culprit behind the murder of his friend/relative.

On the other hand, Ms. T. Jini, learned Additional Public Prosecutor, has submitted that the Medical Report, which is annexed along with the petition, is of 13.06.2023 and by the time, the wife of the accused may be more than 8 (eight) weeks pregnant now, but there is no certificate showing any complication of her pregnancy at this stage and hence, without any urgent

ground, the present subsequent bail application cannot be allowed only on humanitarian ground.

After hearing the submissions made by the learned counsels for both sides, I have also perused the case record as well as the annexures filed along with the petitioner showing the pregnancy of the wife of the accused.

It is seen that as per the Medical Report/Pregnancy Report, the wife of the accused is 8 (eight) weeks pregnant at present and no abnormalities or complications have been shown in the prescription issued by the Doctor as well in the report of the ultrasound. The last bail application was rejected vide order dated 02.08.2023 and hence, without any urgency or without any new ground, the present subsequent bail application cannot be considered.

In view of above and also considering the stage of investigation and the gravity of offence as well as considering the report of the I.O., I find it not a fit case to extend the privilege of bail to the accused and accordingly, the same stands rejected.

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

JUDGE

Comparing Assistant