



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

Case No. : AB/48/2023

Ajoy Camdir Tok
S/o late Kurlon Tok, Village Palove, P.O and P.S Pake Kessang, District Pakke
Kessang (AP)

VERSUS

THE STATE OF AP
represented by the Public Prosecutor.

Advocate for the Petitioner : Hage Lampu, R. Millo

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 17-08-2023

Heard Mr. R. Millo, learned counsel for the applicant. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application under Section 438 of the Cr.P.C., 1973, for granting pre-arrest bail to the accused applicant, namely, *Shri Ajoy Camdir Tok*, who apprehends arrest in connection with *Itanagar Women Police Station Case No. 58/2023*, registered *under Sections 376/313/323/342/34 IPC*.

3. The aforesaid *Itanagar Women Police Station Case No. 58/2023*, under *Sections 376/313/323/342/34 IPC*, was registered on the complaint lodged on 04.06.2023 by the complainant, before the Officer-in-charge, Police Station Doimukh, against the applicant, which was forwarded to the Itanagar Women Police Station on 05.06.2023 and received by the Itanagar Women Police Station on 09.06.2023.

4. In the aforesaid F.I.R., it has been alleged by the complainant that the applicant, *Shri Ajoy Camdir Tok* had promised to marry her and thereafter, as a result of the physical relationship that developed between them, the complainant became pregnant. Pregnancy of the complainant was aborted in the month of January, 2023, on being assured by the applicant that he will take all the responsibility for the abortion, that will take place at Heema Hospital. However, soon after the abortion, the applicant disappeared and did not live up to his promise/assurance. There are further allegations made in the F.I.R. that on 04.06.2023 at about 4.38 pm, when the complainant met the applicant at Nirjuli, near Gas Agency, the applicant was with one girl and insisted her to sit in his car to discuss the matter and later on, was forcefully taking her to Itanagar, which she resisted and on her resistance, the applicant stopped the car near Mental Hospital, Yupia, where the applicant and the girl accompanying him, beat her mercilessly as a result of which, she became unconscious and when she gained consciousness, she found that she had lost one of her tooth due to the physical assault by the applicant and the girl.

5. Case Diary called for by this Court, vide order dated 14.08.2023 has been produced by the learned Additional Public Prosecutor.

6. On perusal of the Case Diary, I do not find any material to indicate that the relationship between the complainant and the applicant began on

misconceptions of fact, so as to attract the offence under Section 376 IPC.

7. Considering the above, without however expressing any opinion on the merit of the case, in the facts and circumstance of the above case, I am of the view that this anticipatory bail application under Section 438 of the Cr.P.C., 1973, for granting pre-arrest bail to the accused applicant, namely, *Shri Ajoy Camdir Tok*, who apprehends arrest in connection with *Itanagar Women Police Station Case No. 58/2023*, registered under Sections 376/313/323/342/34 IPC, be allowed.

8. Accordingly, in the event, the applicant, *Shri Ajoy Camdir Tok*, is arrested in connection with *Itanagar Women Police Station Case No. 58/2023*, registered under Sections 376/313/323/342/34 IPC, he shall be released on bail, on furnishing a bail bond of Rs. 20,000/-, with 1 (one) surety of like amount to the satisfaction of the arresting authority, on the following terms and conditions:

(i). The applicant shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when called for in connection with the *Itanagar Women Police Station Case No. 58/2023*.

(ii). 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 either to the Police officer or to the Court or tamper with the evidence;

9. The Anticipatory Bail application stands allowed and disposed of, in terms above.

10. Needless to say, the observation made hereinabove, is only for the purpose of consideration of the anticipatory bail application and the Investigating Authority as well as the trial Court shall not in any manner be influenced by the observation made by this Court.

11. Return back the Case Diary.

JUDGE

Comparing Assistant