

GAHC040010902023



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

Case No. : AB/49/2023

Abujum Padun
Son of Shri Kangkiram Padun,
Resident of Mirsam Village, PO/PS Pasighat, East Siang District, Arunachal Pradesh.

VERSUS

THE STATE OF AP
Represented by the Public Prosecutor.

Advocate for the Petitioner : T Tayeng
A Dalbang

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 23.08.2023

Heard Mr. T. Tayeng, learned counsel, appearing on behalf of the accused applicant. Also heard Ms. Topi Jini, learned Addl. P.P., appearing on behalf of the respondent State of Arunachal Pradesh.

Apprehending his arrest in connection with Pasighat P.S. Case No. 66/2023,

registered under Sections 295/447/427/34 of the Indian Penal Code; this anticipatory bail application under Section 438 of the Code of Criminal Procedure, 1973, has been preferred by the accused applicant Sri Abujum Padun seeking grant of pre-arrest bail.

Case Diary called for, vide order dated 16.08.2023, was produced by the learned Addl. P.P., Arunachal Pradesh, on 21.08.2023, on which date; it was also apprised to this Court that Notice under Section 41A of the Code of Criminal Procedure, 1973, was issued by the I.O. of the case to the accused applicant, named-above, to appear before the I.O. on 21.08.2023, at 1030 hrs., for recording of his statement. In view thereof; the learned Addl. P.P., Arunachal Pradesh, was directed to produce the updated Case Diary including the statement of the accused applicant recorded on 21.08.2023.

Pursuant thereto, today, the learned Addl. P.P., Arunachal Pradesh, has produced before the Court, the updated Case Diary along with the recorded statement of the accused applicant who had appeared before the I.O. of the case on 21.08.2023, in terms of the Notice issued to him under Section 41A of the Code of Criminal Procedure, 1973.

I have perused the Case Diary as well as the recorded statement of the accused applicant under Section 161 of the Code of Criminal Procedure, 1973, pursuant to his appearance before the I.O. of the case on 21.08.2023, in terms of the Notice under Section 41A of the Code of Criminal Procedure, 1973.

In view of the above and having perused the Case Diary produced; I am of the considered view that the prayer for grant of anticipatory bail to the accused applicant,

deserves to be allowed.

Accordingly, in the event, the accused applicant, herein, is arrested by the police in connection with Pasighat Police Station Case No. 66/2023; he shall be released on bail on furnishing a bond of Rs. 10,000/- with a surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

(i). he shall appear before the I.O. of the case in connection with Pasighat P.S. Case No. 66/2023, as and when, he is required to do so; and

(ii). he 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.

The bail application accordingly stands allowed and disposed of in terms above.

JUDGE

Comparing Assistant