

GAHC040011662023



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

Case No. : BA/77/2023

Langkung Tachak
S/o Shri Langkung Tasuk,
A Permanent Resident of Parsi Parlo Village, PO/PS Koloriang, District Kurung
Kumey, Arunachal Pradesh and presently residing at Modirijo Colony 6km, Itanagar,
PO/PS Itanagar, Papum Pare District, Arunachal Pradesh.
Phone No. 9402213393

VERSUS

THE STATE OF AP
Represented by the Public Prosecutor.

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 30-08-2023

Heard Mr. T. T. Tara, learned counsel for the applicant and also heard Ms. L. Hage, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. By filing this bail application under Section 439 of the Code of Criminal Procedure Code, 1973, the applicant prays for release of the accused, Shri

Langkung Tare, who was arrested on 20.08.2023 in connection with Doimukh PS Case No. 46/2023 under Sections 326/427/34 IPC.

3. An FIR was lodged on 20.08.2023 by the informant/victim alleging that the accused Shri Langkung Tare along with a group of have attacked the informant/victim brutally by using deadly weapons like Iron rod, stones and wooden sticks, upon which, the informant found himself seriously inflicted with injuries including bitten off his left side ear. Accordingly, a case was registered by the police station being Doimukh PS Case No. 46/2023 under Sections 326/427/34 IPC. Thereafter, the accused Shri Langkung Tare was arrested and since then, the accused is in judicial custody.

4. Mr. T. T. Tara, learned counsel for the applicant submits that since the accused was arrested on 20.08.2023, which is nearly 10 days and as the police has already recorded his statement while he was in custody, further custodial interrogation of the accused may not be required, therefore, prays that the accused may be released on bail.

5. Ms. L. Hage, learned Additional Public Prosecutor while referring to the Case Diary which contains the medical report submits that the injury is grievous in nature which is consistent with the allegation in the FIR that the accused has bitten off the left ear of the informant. As per the statement of the accused recorded under 161 Cr.P.C., the accused has admitted the allegations. Therefore, the ingredients of Section 326 Cr.P.C clearly attracts. She further submits that there are other accused, two of which have been arrested 3 days back and there are more persons which are required to be arrested and in view of the fact situation, the release of the accused person Shri Langkung Tare may hamper the investigation in the case. And as such the bail at this stage application deserves dismissal.

6. I have considered the learned counsel for the parties and also perused the Case Diary submitted by the learned Additional Public Prosecutor.

7. Having considered the materials, though the medical reports reflect the injury is of grievous nature and on consideration of the statement of the accused/applicant recorded under Section 161 of the Cr.P.C. by the Police, this Court is of the view that there may not be any requirement of further custodial interrogation of the accused person Shri Langkung Tare.

8. In view of the above, the accused, Shri Langkung Tare be released on bail with a bail bond of Rs. 25000/- (Rupees Twenty-Five Thousand) with one surety of like amount to the satisfaction of the concerned Chief Judicial Magistrate on the following conditions:

(i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case including the informant/victim so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Yupia, without prior permission.

9. The bail application stands disposed of, in terms above.

10. The Case Diary be sent back.

JUDGE

Comparing Assistant