

GAHC040011672023



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

Case No. : BA/78/2023

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
Represented by the Public Prosecutor.

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04-09-2023

By this common order, this Court proposes to dispose of
two bail applications, namely, B.A No.78 (AP)/2023 filed by one Doli
Ingo seeking bail of one Shri Deepak Hazarika as well as B.A No.82

(AP)/2023 filed by one Tojum Lollen seeking bail of accused Shri Toli Lollen.

2. I have heard Mr. R. Ingo, the learned counsel for the petitioner in B.A No.78 (AP)/2023 as well as Mr. J. Jini, the learned counsel for the petitioner in B.A No.82 (AP)/2023 and also heard Mr. J. Tsering, the learned Public Prosecutor for the State of Arunachal Pradesh.

3. The above mentioned bail applications were filed for seeking bail of the accused Shri Deepak Hazarika as well as accused Toli Lollen respectively, who were detained behind the bar since 07.07.2023 in connection with Pasighat P.S. Case No. 51/2023 under Sections 302/34 of Indian Penal Code.

4. The accusation in this case is that on 07.07.2023, one Shri Bomin Taket lodged an FIR before the Officer-in-Charge of Pasighat Police Station, *inter alia*, alleging that on that day i.e. 07.07.2023 at around 6:47 am, a wife of the first informant got information from one Shri Luhit Taye that one of the accused in the instant case, namely, Shri Toli Lollen called him over mobile phone and informed that son of the first informant, namely, Minli Taket, aged about 17 years at the time of incident, was found dead with multiple brain injuries near Beer Bar, Pane Hotel, Banskota, Pasighat in the early

morning of 07.07.2023. It is further stated in the FIR that the accused persons, namely, Shri Deepak Hazarika, Toli Lollen and one Marjum Bagra were accompanying the deceased and they came to Pasighat from Naharlagun for selling lottery tickets at Pasighat. It is further alleged in the FIR that the accused persons, namely, Shri Deepak Hazarika, Toli Lollen and one Marjum Bagra might have kill the son of the first informant. On receipt of the said FIR, Pasighat P.S. Case No.51/2023 was registered.

5. Mr. R. Ingo as well as Mr. J. Jini, the learned counsel for the petitioners have submitted that on the fateful night of 07.07.2023, the present accused persons along with Marjum Bagra and deceased Minli Taket went to Commix Bar and Family Restuarant at the top floor the Hotel Pane Pasighat and had drinks together. Thereafter, the Marjum Bagra left them at about 12:30 AM and he was dropped by deceased as well as accused Toli Lollen. And thereafter, both the Toli Lollen and deceased again came back to Commix Bar and Family Restaurant and had drinks together the accused Shri Deepak Hazarika.

6. It is submitted by the learned counsel for the petitioners that when Shri Deepak Hazarika went to pay the bills of the bar, the staffer of the same hotel came and told them that their friend Minli Taket is lying on the ground of the Hotel in unconscious state with

body full of blood. Thereafter, the deceased, Minli Taket was taken to Bakin Pertin General hospital by the accused persons along with the staffs of the said hotel, however, the doctor declared him dead. The learned counsel for the petitioners have submitted that they are not involved in the death of the deceased, Minli Taket as they are childhood friends and they are also not aware of the cause of the death. It is also submitted that as soon as the accused person found the deceased person in injured condition and they took him to hospital. The accused Toli Lollen also informed the family member of the deceased person. It is also submitted that the accused persons are languishing behind the bar since last 59 days for no fault of their own and they both are resident of Aalo. The learned counsel for the petitioners submitted they are willing to cooperate with Investigating Officer on any conditions imposed by this Court.

7. On the other hand Mr. J. Tsering, the learned Public Prosecutor has produced the case diary of Pasighat P.S. Case No.51/2023 before this Court and have submitted that though the investigation has fairly progressed, however, till now the cause of death of the deceased could not be ascertained. It is also submitted that as on date, the Investigating Officer has examined 8 witnesses under Section 161 Cr.P.C, however, they have not implicated present accused persons. It is also submitted that though the investigations

is yet to be complete, however, considering the nature of evidences available on record further custodial detention of the accused persons, namely, Shri Deepak Hazarika and Shri Toli Lollen is not necessary for fair completion of the investigation of this case.

8. Considering the submissions made by the learned counsel for the parties as well as considering the materials available in the case diary, the accused persons, namely, Shri Deepak Hazarika and Shri Toli Lollen are allowed to go on a bail of Rs.30,000/- each with one surety of like amount to the satisfaction of the Chief Judicial Magistrate, Pasighat, subject to the condition that above accused persons shall make themselves available for interrogation before the Investigating Officer of Pasighat P.S. Case No.51/2023 as and when so required by the Investigating Officer for the sake of the investigation.

In view of the above observations, this bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant