

GAHC040011772023



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

Case No. : BA/81/2023

Gora Tarup
S/o Late Gora Tarang, Resident of Near D.P.V.B Itanagar, Dariya Hill Colony,
Itanagar, PO/PS-Itanagar, District Papum Pare, Arunachal Pradesh, Mobile No.
94360903737

VERSUS

THE STATE OF AP
Represented by Public Prosecutor.

Advocate for the Petitioner : Taba Tagum

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.09.2023

Heard Mr. T. Tagum, learned counsel for the petitioner. Also heard
Mr. G. Tado, learned Additional Public Prosecutor for the State of

Arunachal Pradesh.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by one Shri Gora Taming who has been detained behind the bars since 09.08.2023 (since last 26 days) in connection with Itanagar P.S Case No. 173/2023 under Sections 425/452/325/427/506 IPC.

3. The accusation in this case is that on 08.08.2023 one Shri Ngurang Gagu lodged the FIR before the Officer-In-Charge Itanagar Police Station, *inter alia*, alleging that on 14.07.2023, at about 1:30 a.m. at night, one Shri Gora Taming (*the present petitioner*) went to the residence of first informant and assaulted him with a shovel on his head causing injuries on his left ear. He has also stated in the FIR that thereafter on 22.07.2023, the present petitioner Shri Gora Taming again trespassed into the residence of the first informant and threatened him with dire consequence. It is further alleged in the FIR that on 2nd August, 2023, again the present petitioner dismantled the gate of the first informant by trespassing into the compound of the first informant. On receipt of the said FIR, the Itanagar Police Station Case No. 173/2023 was registered.

4. Mr. T. Tagum, learned counsel for the petitioner submits that the petitioner and the first informant are relatives. It is submitted by the learned counsel that the complainant is the brother-in-law of the present petitioner and on 13th July, 2023 a family meeting was held in the

residence of the first informant to broke a compromise/settlement between the parties regarding the dispute which was going on in between the present petitioner and the first informant.

5. The learned counsel for the petitioner has submitted that on the mid-night of 13th July, 2023 during the family settlement meeting, there was an altercation between the first informant and the present petitioner in which the first informant brandish his revolver and started firing in the air and, in the process, when the petitioner intervened to stop the first informant, during the melee and the first informant got injured. It is submitted by the learned counsel for the petitioner that the allegation against the present petitioner in the FIR pertaining to the incident which occurred on 22.07.2023 i.e., the second incident and on 02.08.2023 i.e., is the third incident are false. It is further submitted by the learned counsel for the petitioner that as the petitioner and the first informant are the relatives and there was no earlier bitter enmity and keeping the present petitioner under detention would only result into a permanent discord in their relationship. He also submits that if he is enlarged on bail he will co-operate with the investigating Officer.

6. On the other hand, Mr. G. Tado, the learned Additional Public Prosecutor has vehemently opposed the grant of bail to the present petitioner on the ground that the injuries sustained by the victim in this case is found to be grievous in nature and in support of his contention he has furnished the injury report of the victim (Shri Ngurang Gagu). The

Additional Public Prosecutor also submits that the Case Diary shows that the present petitioner repeatedly indulged in offensive behavior towards the injured person and has committed repeated wrongs on three various dates as mentioned in the FIR and if he is released on bail, at this stage, he may threaten the witnesses who are already examined and who are yet to be examined.

7. I have considered the submission of the learned counsel for the parties as well as I have gone through the materials available in the record including the Case Diary of Itanagar P.S. Case No. 173/2023 as well as the injury report of the victim.

8. Though the FIR has been lodged belatedly by the first informant, however, as regards truthfulness of the incident which occurred on 14.07.2023 the injury report corroborates the fact that the victim has suffered the injuries. It is also found from the materials in the Case Diary that the victim and the present petitioner are related to each other and the witnesses are also family relatives. It also appears from Case Diary that the Investigating Officer has examined some of the witnesses who were present on the day of the occurrence.

9. Considering the fact that the petitioner and the victim are relatives and the petitioner has been detained behind the bar since 26 days, this Court is of the considered opinion that further custodial detention of the petitioner may not be necessary for fair completion of the investigation of Itanagar P.S. Case No.173/2023, if the petitioner co-operates with the

Investigating Officer and comply with the conditions imposed for his release on bail.

10. In view of the above, Shir Gora Taming is allowed to go on bail on bail subject to furnishing a bail bond of Rs.30,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Yupia, subject to the following conditions:-

- 1) That the accused shall cooperate with the Investigating Officer of the Itanagar P.S. Case No.173/2023 and shall appear before him after every 3(three) days till next 1(one) month or till the completion of the investigation whichever is earlier, for fair completion of investigation.
- 2) That the petitioner shall directly or indirectly make any inducement, threat or promise to the victim (first informant of this Case) or any other persons acquainted with the facts of this case so as to dissuade him/her from disclosing such facts before the Investigating Officer.
- 3) If the petitioner fails to comply with any of the condition imposed by this order it will be a good ground for cancellation of the bail granted to the present petitioner.

With the above observation, this bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant