

GAHC040011852023



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

Case No. : BA/86/2023

Lokam Takar
S/o Lt. Lokam Tali,
a Permanent Resident of Gaa Village, PO/PS Koloriang, District Kurung Kumey,
Arunachal Pradesh and Presently residing at Anya Colony, Nirjuli, PO/PS Nirjuli,
Papum Pare District, Arunachal Pradesh.
Phone No. 9378098673

VERSUS

THE STATE OF AP
Represented through Public Prosecutor.

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 07.09.2023

Heard Mr. T. T. Tara, learned counsel for the petitioner. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State.

This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for seeking bail of the accused person, namely, *Shri Lokam Tapik*, who has been detained behind the bar since 27.08.2023 in connection with Doimukh P.S. Case No. 46/2023 under Sections 326/427/34 of Indian Penal Code.

The accusation in this case is that on 20.08.2023, one Shri Achie Sorang, lodged an FIR before the Officer-in-Charge of Doimukh Police Station, *inter alia*, alleging that on that day he was brutally attacked by Shri Longkung Tare and his associates with iron rod, stones, wooden sticks inflicting serious injuries on his person and his ears were also bitten off. On receipt of the said FIR, Doimukh P.S. Case No. 46/2023 was registered.

Learned counsel for the petitioner has submitted that the present accused person, namely, Lokam Tapik is no way involved in the offence alleged in the FIR. It is also submitted that he is not the named accused in the FIR and the main accusation is against one Longkung Tare who has already been released on bail on 30.08.2023 by this Court in Bail Application No. 77/2023. It is also submitted by learned counsel for the petitioner that since last 10(ten) days, the accused person is languishing behind the bar and his statement under Section 161 has also been recorded and on the ground of parity and as the main accused has already been released on bail, he is entitled to get bail on the ground of parity.

On the other hand, Ms. L. Hage, learned Additional Public Prosecutor has produced the case diary of Doimukh P.S. Case No. 46/2023, which was called for in connection with this case. She has also submitted that on perusal of the case diary, it appears that there are incriminating materials against the accused person also, though, he was initially not named in the FIR. However, she has also submitted that the statement of the victim and witnesses have been recorded and the statement of the present accused person has also been recorded under Section 161 of the Code of Criminal Procedure. She has further submitted that one of the accused is yet to be arrested and notices under Section 41A has already been served on that accused.

The learned Additional Public Prosecutor fairly submitted that considering

the progress made in the investigation, custodial detention of the present accused, namely, *Lokam Tapik* does not appear to be necessary for fair completion of the investigation.

Considering the submissions made by learned counsel for the parties and after perusing the materials on record including the case diary of Doimukh P.S. Case No. 46/2023, the accused, namely, *Lokam Tapik* is hereby allowed to go on bail of Rs.10,000/- (Rupees Ten Thousand) only with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Yupia, subject to the conditions:-

- (i) That even after his release on bail, the accused person shall make himself available before the Investigating Officer as and when so required for the sake of investigation during the pendency of the investigation,
- (ii) That the accused person shall not directly or indirectly make any inducement, threat or promise to any person including the victim who may be acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Investigating Officer,
- (iii) That the accused person shall not leave the jurisdiction of Doimukh Police Station during the pendency of the investigation without leave of the Investigating Officer of the case.

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

Send back the case diary.

JUDGE

Comparing Assistant