

GAHC040012472023



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

Case No. : BA/89/2023

Rei Tagam
Chairman of Rei Welfare Society, S/o Late Shri Rei Tear, resident of 6-Kilo, Papu Hill, PO Naharlagun, PS Papu Hill, Dist- Papum Pare 791110, Arunachal Pradesh.

VERSUS

THE STATE OF AP
through P.P (A.P)

Advocate for the Petitioner : Tania Kipa

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19-09-2023

ORDER (ORAL)

Heard Mr. T. Kipa, learned counsel for the alleged accused and Mr. G. Tado, learned Addl. PP for the State of Arunachal Pradesh.

2. This is an application filed under Section 439 Cr.P.C., praying for grant of bail to the alleged accused, namely, ***Miss Rei Amak*** in connection with

Naharlagun P.S. Case No. 136/2023 registered under Sections 380/411/413/34 of the Indian Penal Code.

3. It is submitted by the learned counsel for the alleged accused that the alleged accused has been detained in custody since 26.08.2023 (25 days). It is also submitted that as per the order of the learned JMFC, Yupia, the alleged accused has been tortured in the custody as a result of which, she was sent to jail. It is further submitted that the articles which were recovered from the possession of the alleged accused belongs to her and it also appears from the CCTV footage that 2 (two) other accused persons were involved in the alleged offence of theft on the house of the informant.

4. It is also submitted that the accused has been suffering from mental disorder as such she needs support of her family members. Under such backdrop, bail may be granted to the alleged accused.

5. In response, Addl. PP submits that more than half of the stolen property of the case has not yet been recovered as the alleged accused has sold the said stolen articles to various peoples, therefore, if bail is granted, at this stage, the progress of investigation may be hampered.

6. The learned Addl. PP also pointed out that as per the medical report, the alleged accused is diagnosed to have a pshychosis and she is under medication of a psychiatrist at TRIHMS, Naharlagun. The learned Addl. PP also submits that since the alleged accused is a habitual offender, at this juncture she may be allowed to take medical treatment under Police protection and the bail may not be granted, at this stage. Therefore, the learned Addl. PP for the State has vehemently objected to the prayer of the alleged accused by stating that the alleged accused is very much involved in the present case. The learned Addl. PP

has also relied on a case law in support of his submission- ***Rajesh Ranjan Yadav @ Pappu Yadav-vs-C.B.I.***; reported in ***2006 (8) Supreme 874***.

7. The updated Case Diary has been received and the same has been perused.

8 I have considered the submissions made by the learned counsel for the parties.

9. On perusal of the Case Diary, it reveals that the I.O. of the case has collected sufficient incriminating materials against the alleged accused and it is also evident from the disclosure statement that the stolen articles amounting to more than crores of rupees were recovered from the residence of the accused leading to such statement.

10. According to the learned counsel for the alleged accused, the accused is having with business of selling beads. But in support of the fact, no document like trade license has been furnished. Apart from that the accused has also failed to produce any documents i.e. receipts of purchasing such seized article before this Court. It also appears from the Case Diary that some more cases are also registered against the alleged accused in committing theft of such like items and receiver of the stolen articles.

11. On consideration of the matter in its entirety, this Court is of the considered view that this is not a fit case for grant of bail to the alleged accused, at this stage. Therefore, the prayer for bail is **rejected**.

12. The bail application stands disposed of.

13. Return the Case Diary, forthwith.

14. However, the alleged accused is allowed to get medical treatment under police protection to any Mental Hospital like TRIHMS or Midpu. Superintendent, District Jail, Jully is also directed to provide necessary treatment to the alleged accused on requirement.

JUDGE

Comparing Assistant