

GAHC040013172023



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

Case No. : AB/73/2023

Tagia Rai
son of Tamar Rai, resident of Chepra village, Upper Subansiri District, A.P Mobile
No. 9402254727

VERSUS

THE STATE OF AP
represented by the Public Prosecutor.

Advocate for the Petitioner : Gimi Tarak

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 06.11.2023

Heard Mr. T. Garam, learned counsel for the applicant. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State.

This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking for pre-arrest bail in connection with Doimukh Police

Station Case No. 54/2023 under Section 326/34 IPC.

The learned counsel for the petitioner submits that after obtaining pre-arrest bail on 26.09.2023 he had appeared before the Investigating Officer and gave his statement in connection with this case. Further it is submitted that the present petitioner is the student of Himalayan University, Jullang, Papum Pare District, Arunachal Pradesh pursuing his B.A 3rd Semester. He further submits that, it is a fact that there was a push and pull between the two groups of students during the election process, but there was no any intention to cause harm to the victims, though during the push and pull some of the student got hurt. Further, the applicant is still ready and willing to co-operate the IO and also prays for making the interim bail as absolute and if the same is made absolute, there is no chance of absconding or hampering or tempering of this case.

In this context, Ms. T. Jini, learned Additional Public Prosecutor has submitted that from the medical report as well as from the statement made by the victims, it is seen that some of the victims sustained grievous injury. She also submits that considering the gravity and nature of the offence the pre-arrest bail prayer should not be allowed at this stage.

In this context, the learned counsel for the petitioner has submitted that the incident took place only because of pull-push between the students after the declaration of election result. He further submitted that the applicant had undertaken before the I.O that he will not repeat such offence in future.

After hearing the submissions of learned counsels for both sides and also considering the fact that the accused/petitioner is a student as well as considering the fact that the accused/applicant had appeared before the IO and co-operated with the investigation of this case, I find it appropriate to extend the privilege of pre-arrest bail to the applicant, namely Tagia Rai. Thus, the order of interim pre-arrest bail passed by this Court dated 26.09.2023, in connection with Doimukh P.S. Case No. 54/2023, under Sections 326/34 of IPC is hereby made absolute.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant