

GAHC040017182023



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

Case No. : AB/90/2023

Libo Komi
S/o Lt. Tajok Komi, R/o Rego Village, P.O/P.S Mechuka, Shi-Yomi District,
Arunachal Pradesh.

VERSUS

THE STATE OF AP
Represented through the Public Prosecutor

Advocate for the Petitioner : J Tsering

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 21.12.2023

Heard Mr. K. Tama, learned counsel for the petitioner. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State of Arunachal Pradesh representing the respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973, for granting of privilege of pre-arrest bail to the applicant, namely, Shri Libo Komi, in connection with Mechuka P.S. Case No. 07/2023, registered under Section 468/471/34 IPC, 1860.

3. This Court while calling for the Case Diary on 15.12.2023 granted interim bail to the accused. The learned Additional Public Prosecutor has produced the Case Diary.

4. The allegations made in the FIR dated 17.11.2022 is that the accused/applicant, namely, Shri Libo Komi along with one Shri Tanil Komi have submitted one 'No Objection Certificate' to the Deputy Commissioner, Shi Yomi District by forging the official seal and signature of the informant, namely, Smti Donya Komi without her knowledge and fraudulently withdrawn the public money with a tune of Rs. 1,52,66,508 (Rupees One Crore fifty-two lakhs sixty-six thousand five hundred eight) only and Rs. 68,14,456 (Rupees Sixty-Eight Lakhs fourteen thousand four hundred fifty-six) only from the authority concerned and the said amount have been misappropriated by the accused persons. The aforesaid amount is for the compensation to the affected individuals for installation of High-Tension Pole (Tower) at Namro Sokong to Se River by Power Grid Corporation Ltd. to strengthen transmission and distribution network under comprehensive scheme in the State of Arunachal Pradesh.

5. The counter FIR against the complainant has been filed on 27.11.2023 by

the 58(Fifty-eight) persons who claims to be the beneficiaries of the said compensation.

6. Mr. K. Tama, learned counsel for the applicants submits that the 'No Objection Certificate' submitted by the applicant and Shri Tanil Komi was furnished by the villagers who are the land affected individuals entitled for compensation, for which upon putting the signature on the NOC the applicants have submitted to the Deputy Commissioner. He submits that the seal and the signature of the informant in NOC was furnished by the villagers. He submits that the applicant being the village elders and having good reputation and having no criminal antecedents and is ready to co-operate with the investigation. Therefore, he submits that the applicants be released on bail by granting privilege of pre-arrest bail on the facts and circumstances.

7. Ms. L. Hage, learned Additional Public Prosecutor referring to the Case Diary submits that the investigation is in very initial stage and the allegations of forgery is yet to be properly investigated as the relevant materials and the evidence could not be examined, for which the prayer for pre-arrest bail may not be considered at this stage.

8. I have considered the submissions made by the learned counsel for the parties and have perused the Case Diary.

9. Having considered the nature of the accusation as well as the punishment prescribed for the said offences and also considering that the custodial

interrogation may not be required in such case, I deem it proper to grant bail to the accused/applicant persons.

10. Accordingly, the interim bail granted on 15.12.2023 to the accused/applicant is made absolute on the following conditions:

(i) That the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and also, to the informant;

(iii) That the applicant shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Aalo, without prior permission.

11. In the event of any of the conditions herein above being violated, the pre-arrest bail granted to the accused shall stand automatically cancelled.

With the above observation, this Anticipatory bail is allowed and disposed of.

JUDGE

Comparing Assistant