

GAHC020000512023



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

Case No. : AB/1/2023

SHRI. VIKIQHE CHISHI
SUB TREASURY OFFICER, ZUNHEBOTO,
DIRECTORATE OF TREASURIES AND ACCOUNTS,
NAGALAND KOHIMA

VERSUS

THE STATE OF NAGALAND
NAGALAND KOHIMA

Advocate for the Petitioner : MOA JAMIR

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HONBLE MR JUSTICE KARDAK ETE**

ORDER

Date : 25-04-2023

Heard Mr. Moa Jamir, learned counsel for the petitioner and Mr. K. Angami, learned P.P. representing the State.

2. This application under Section 438, CrPC, 1973 has been filed by the petitioner, Shri Vikiqhe Chishi, praying for grant of pre-arrest bail in connection with Ghathashi P.S. Case No. 0002/2023 under Sections 457/427/506/34 of the IPC,

1860.

3. The learned counsel for the petitioner submits that Suo-Moto FIR dated 27.02.2023 was filed before the Officer-in-Charge, Ghathashi P.S. Zunheboto, Nagaland, on the allegation that on the day of 14th Nagaland Legislative Assembly Election, i.e. 27.02.2023, at around 9 P.M. a notice was received that some youths numbering about 50-60 with face covered with mask came and vandalized the house of one GB of Mishilimi Village at Ghathashi town. In connection with the FIR, some supporters of NDPP candidate, Shri Y. Vikheho Swu, were interrogated by the Investigation Agency and attempt has been made to apprehend more persons involved in the alleged commission of offence. The learned counsel submits that the applicant is nowhere involved in any illegal activities and he has not been named in the FIR, however, he being the cousin of Shri Y. Vikheho Swu, NDPP candidate, he apprehends that he may be arrested in connection with the aforesaid case.

4. This Court, on 03.03.2023, after hearing the submission of the learned counsel for the parties granted the interim prayer that in the event of arrest the applicant shall be released on pre-arrest bail on payment of bail bond amounting to Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) That the petitioner shall appear before the Investigating Officer within 7 days from the date of this order, failing which on and from the 8th day,

this interim pre-arrest bail order shall have no force;

- (ii) That the petitioner 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
- (iii) That the petitioner shall refrain from committing any similar offences of which he is suspected to commission till completion of investigation into the case.

5. The learned counsel for the petitioner submits that the petitioner is a Sub-Treasury Officer, presently posted at Zunheboto and the FIR has been lodged purely on political rivalry and that the petitioner has been cooperating with the Investigating Agency.

6. The learned P.P., on 24.03.2023 submitted the Status Report, wherein it is stated that all the anticipatory bail personnel were examined and recorded statement in each separate sheet and released thereafter.

7. Today, the P.P., Mr. K. Angami, submitted before this Court that he has an instruction to the effect that there are no fresh grounds or incriminating evidence so far against the applicant.

8. Having heard the submissions made by the learned counsel for the parties, and having noticed that so far no incriminating evidence has been found against the applicant and also the applicant is cooperating with the investigating

and recorded his statement before the Investigating Agency, this Court is of the view that the petitioner is entitled to be allowed to go on pre-arrest bail. Accordingly, the interim pre-arrest bail as granted on 03.03.2023 is made absolute, subject to the following conditions:-

- (i) That the petitioner shall appear before the concerned Police Station/Investigating Officer as and when called for;
- (ii) That the petitioner 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
- (iii) That the petitioner shall refrain from committing any similar offences of which he is suspected to commission till completion of investigation into the case.

9. Anticipatory bail is accordingly disposed of.

Sd/-
JUDGE

Comparing Assistant