

GAHC020005222023



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

Case No. : I.A.(Crl.)/20/2023

SRI AJAY BAHADUR SINGH
S/O LATE SUBH NARAYAN SINGH,
PROPRIETOR OF SANITARY HARDWARE STORE,
DR. R.P ROAD ,
GANESHGURI,
DISPUR, GUWAHATI 6, ASSAM

VERSUS

THE STATE OF NAGALAND
THROUGH THE OUBLIC PROSECUTOR,
NAGALAND, KOHIMA

Advocate for the Petitioner : I H SAIKIA

Advocate for the Respondent : P.P, NAGALAND

Linked Case : AB/29/2023

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**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 16-11-2023

Heard Mr. Moa Jamir, learned counsel for the petitioner and Mr. K. Angami, learned Public Prosecutor for the State.

2. By an Order dated 24.08.2023, passed in AB/29/2023 the present applicant, Ajay Bahadur Singh, was granted interim anticipatory bail with a direction that he shall appear before the I.O. of the case in connection with the Dimapur P.S. Case No. 43/2023 within a period of ten (10) days from the date of the said Order and on such appearance and arrest, he shall be released on bail amount of Rs. 40,000/- (rupees forty thousand) with a surety of the like amount to the satisfaction of the arresting authority. The said Order dated 24.08.2023 further made it clear that if the applicant/accused failed to appear as directed the bail granted to the accused shall automatically stand cancelled.

3. However, instead of appearing before the I.O. of the case the petitioner has filed this I.A. with the prayer for extension of the period of appearance for one month.

4. Mr. K. Angami, learned Public Prosecutor, while vehemently objecting the extension of time period submits that on the earlier occasion also the accused/applicant approached this Court for granting of anticipatory bail and in that case also the petitioner was granted interim anticipatory bail directing him to appear before the I.O. of the case within ten (10) days from the date of the said order. However, the applicant instead of appearing before the I.O. as directed by the Court filed the I.A. for extension of period of appearance on the ground that he was suffering from various ailments and further submits that in view of the above, accused/applicant is not entitled for the concession of the anticipatory bail, hence, prays for dismissing of the intsant application.

5. From the record it appears that the accused/applicant is trying to avoid his appearance before the Police and his arrest in connection with the instant case. However, due to elapsed of time and avoidance of arrest, the operation of the criminal law which has already set in motion would not die a natural death; and to proceed with the criminal investigation of the case, the appearance of the accused, unless otherwise is a must. Hence, the accused is necessary to appear before the I.O. of the case for recording his statement as required by the law. In view of the above fact and circumstances of the case, and the conduct of accused/applicant, the petitioner does not deserve further extension of time for his appearance. However, considering the materials on record and in view of the statement of the learned counsel for the applicant that the accused/applicant is suffering from various ailments including cardiac problem, this Court is inclined to extend the time for his appearance before the I.O. of the case.

6. Accordingly, the accused/applicant, Ajay Bahadur Singh, is directed to appear before the I.O. of the case in connection with the Dimapur P.S. Case No. 43/2023 within a period of fifteen (15) days from today. On his such appearance and in the event of his arrest in connection with the Dimapur P.S. Case No. 43/2023, the applicant, Shri Ajay Bahadur Singh, shall be released on bail on execution of a bail amount of Rs. 50,000/- (rupees fifty thousand) with two sureties of the like amounts to the satisfaction of the arresting authority with further condition that the accused shall co-operate and appear before the I.O. of the case and the Court as and when called for.

7. It is further made clear that if the applicant/accused fails to appear as directed herein above, the bail granted to the accused/applicant shall automatically stand cancelled.

Accordingly, this I.A. stands disposed of.

Sd/-
JUDGE

Comparing Assistant