

GAHC040000242024



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

Case No. : AB/5/2024

Gida Panio
Son of Gida Palang, resident of Anya Colony, Nirjuli, PO Nirjuli, Papumpare District,
AP

VERSUS

The State of AP
represented by the PP, AP

Advocate for the Petitioner : Teto Taba

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 02.05.2024

Heard Mr. R. Riba , learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 438 of Cr.P.C 1973 for grant of pre-arrest to the alleged accused/applicant, i.e., **Shri Gida Panio** who is

apprehending arrest in connection with Doimukh P.S. Case No. 02/2024 under Section 468 of IPC.

3. Pertinent to state that vide order dated 09.01.2024, the petitioner was granted interim pre-arrest subject to the condition that the petitioner shall appear before the Investigating Officer for interrogation. It appears from the Case Diary placed before this Court that the accused/petitioner has been deliberately avoiding appearance before the Investigating Officer after obtaining interim bail from this Court.

4. Further, it appears that on number of occasions the interim bail granted by this Court, was extended directing the petitioner to appear before the Investigating Officer; however, the petitioner avoided appearing before the Investigating Officer. It further appears that on 04.04.2024, this Court directed the petitioner to appear before the Investigating Officer of the case on 10.04.2024 and further, this Court was pleased to make it clear that in the event the accused failed to appear before the Investigating Officer of the case on 10.04.2024 at 10:00 am, the interim pre-arrest bail granted to him by the order dated 09.01.2024 and the subsequent order of extension shall stand automatically cancelled. Surprisingly, the petitioner despite the said order dated 04.04.2024 did not appear before the Investigating Officer.

5. In view of the petitioner failing to appear on 10.04.2024 before the Investigating Officer, the interim bail granted earlier ought to have been

cancelled. However, when this case was listed before this Court on 22.04.2024, the aforesaid facts was not brought to the notice of this Court by either parties, for which the interim order passed earlier was directed to be continued till today.

6. Today, when the matter was taken up, Mr. T. Ete, learned Additional Public Prosecutor drawn the attention of this Court to the aforesaid violation of the condition of the interim pre-arrest bail granted to the petitioner. He further submits that the petitioner after the last order of this Court, i.e., 22.04.2024, appeared before the Investigating Officer on 25.04.2024 and his statement was recorded under Section 161 of Cr.P.C by the Investigating Officer.

7. He further submits that the petitioner is still not co-operating with the Investigation and has taking undue advantage of the interim pre-arrest order granted by this Court and further, that the petitioner has not disclosed the names of the co-accused.

8. In view of the aforesaid submissions made by the learned Additional Public Prosecutor and the materials available in the Case Diary, it appears that the petitioner is not co-operating with the investigation. As such, this Court is not inclined to grant the privilege of pre-arrest bail to the petitioner at this stage. The prayer for pre-arrest bail stands rejected.

9. Resultantly, the interim pre-arrest bail order granted on 09.01.2024 and the

subsequent order for extension stands cancelled.

With the aforesaid direction and observation, the present anticipatory bail stands disposed of.

JUDGE

Comparing Assistant