

GAHC040000282024



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

Case No. : AB/9/2024

Nangram Tado
Son of Nangram Taha, permanent resident of Koloriang, PO Koloriang,
Kurungkumey District, AP presently residing at Holongi, PO Balijan, Papumpare
District, AP

VERSUS

The State of AP
represented by the PP, AP

Advocate for the Petitioner : Duge Soki

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA**

ORDER

29.01.2024

Heard Mr. D. Soki, learned counsel for the applicant. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/applicant, who has been apprehending arrest in connection with Balijan P.S. Case No. 18/2023, under Sections 120B/325/427/336/506/34 of the Indian Penal Code *read with* Section 27 of the Arms Act, 1959.

It is submitted by the learned counsel for the applicant, Mr. D. Soki, that after obtaining the interim pre-arrest bail, the applicant appeared before the I.O. and recorded his statement in connection with this case. More so, as he has already co-operated with the I.O. and also considering the nature of offence, his custodial interrogation is not at all necessary in this case and accordingly, it is prayed to make the interim pre-arrest bail order absolute.

Further, it is contended by the accused/applicant that a plot of land claimed to be owned by the Farmer Club Committee was given possession by one Shri Talo Langney, a local Karbi resident, who claimed to be the owner of the land since 1951 and the applicant and his relatives had gone to clear the jungle only on the assurance of the said person that he was the owner of the land. But, when the applicant along with his relatives were peacefully clearing the jungle, when more than 100 local people came as well as snatched away their belongings including their daos; 2 licensed 12 bore rifles and also assaulted the applicant, his wife and other relatives. In this context, the

applicant had also filed one counter FIR. However, when the applicant went to lodge the FIR, the police personal asked him to come later on, as situation may be deteriorated, if local people arrive in the police station.

In this context, the learned Additional Public Prosecutor, Ms. L. Hage, has submitted that the applicant has already appeared before the I.O. and he co-operated in the investigation of the case. Accordingly, it is submitted by the learned Additional Public Prosecutor that the custodial interrogation of the accused/applicant may not be necessary and raised no objection in allowing the applicant to go on pre-arrest bail with certain terms and conditions.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case, nature of allegation as well as the conduct of the accused/applicant, I find it a fit case to extend the privilege of pre-arrest bail to the accused/applicant. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 10.01.2024, is hereby made absolute with the following terms and conditions:-

- (1) That the applicant shall appear before the I.O. of the case as and when called for;**
- (2) That the applicant shall refrain himself from such activities, with which, he has been alleged;**
- (3) That the applicant shall not hamper and/ or tamper with the evidence; and**
- (4) Any violation of the aforesaid conditions would amount to cancellation of bail.**

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

JUDGE

Comparing Assistant