

GAHC040000432024



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

Case No. : AB/11/2024

D R Rago
S/o Late Tadung Rago alias Gyady, resident of Veterinary Colony, PO Daporijo,
Upper Subansiri District, AP

VERSUS

The State of AP
represented by the PP, AP

Advocate for the Petitioner : T Don

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24-01-2024

Heard Mr. T. Don, the learned counsel for the petitioner. Also
heard G. Tado, the learned Additional Public Prosecutor for the
State of Arunachal Pradesh.

This is an application under Section 438 Cr.P.C in connection with Daporijo P.S. Case No. 01/2024, under Section 452 IPC, read with section 27(1) of the Arms Act, 1959.

Case diary has been received.

Heard both the sides.

It is submitted by the learned counsel for the petitioner that after obtaining the order of interim pre-arrest bail on 11.01.2024, he accordingly, appeared before the I.O and cooperated with the investigation of this case. He also produced the arm license before the I.O as directed by the I.O. Further, he submits that false and concocted allegation is brought against him only to harass him as earlier he had illicit relationship with the mother of the informant, which was already settled before the Kebang. On the day of incident, it is the fact that he had visited the house of the informant only to get the keys of the stalls and when informant refused to give the keys, there was an argument and that apart no other incident took place between the parties. However, he is still ready to cooperate with the I.O. for further investigation of this case, if he is granted with the privilege of pre-arrest bail.

In this context, the learned Additional Public Prosecutor, Mr. G. Tado has submitted that after obtaining the pre-arrest bail, he appeared before the I.O. and from the case diary, it is also revealed that it is a counter case as the present accused petitioner earlier lodged an FR alleging assault on him by 6-7 persons and thereafter, the present FIR has been lodged against the accused by informant. However, it is seen from the note of the I.O. that the accused petitioner has already produced the licence arm before the I.O and he has also cooperated with the investigation of this case.

Considering the submissions made by the learned counsel for both the sides and materials found in the case diary, I find that custodial interrogation is not necessary in this case and hence, I find it a fit case to extend the privilege of pre-arrest bail to the accused petitioner. Accordingly, interim pre-arrest bail order dated 11.01.2024, is hereby made absolute with same terms and conditions.

With the above observation, this anticipatory bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant