

GAHC040000602024



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

Case No. : AB/13/2024

Tadar Nilo
Son of Shri Tadar Dema, resident of Langte Loth Village, PO Nyapin, Kurung Kumey
District, AP

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Khoda Tama

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 31.01.2024

Heard Mr. K. Tama, learned counsel for the petitioner/accused. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application under Section 438 of Cr.P.C, 1973, praying for grant of privilege of pre-arrest bail to the accused/applicant, in connection with

Nyapin P.S. Case No. 01/2023 under Sections 419/420 IPC read with Section 66(D) IT Act.

Case Diary has been received and I have perused the same.

3. The learned counsel for the petitioner has submitted that the petitioner/accused is innocent and he is no way involved in the alleged offence. During the investigation of this case, he received a notice under Section 41-A Cr.P.C issued on 19.12.2023 and accordingly, he appeared before the Investigating Officer on 23.12.2023 and after the interrogation he was allowed to go home but suddenly on 18.01.2024 while he was in Itanagar there was a raid in his house and hence, for the apprehension of arrest he preferred the present petition seeking the pre-arrest bail. He further submitted that after obtaining the pre-arrest bail on 22.01.2024 he appeared before the O.C of the Nyapin Police Station, but the O.C of the concerned Police Station stated that further interrogation will not be required and hence, he was allowed to go home even not accepting the bail amount which he wanted to submit in the Police Station.

4. He further submitted that the police issued 41 notices against him only for the fact that Shri Manuranjan Gogoi who is named accused in the FIR is known to him. That part he is not aware about anything with regards to the present FIR and the allegation brought in the FIR. However, he is still ready and willing to appear before the I.O and co-operate him in the investigation if he is granted the privilege of pre-arrest bail. Further he submitted that there is no addition of 120B/34 IPC and the case is registered only under Section 419/420 IPC read

with Section 66(D) IT Act only against the prime accused Shri Manuranjan Gogoi.

5. In this context, Ms. T. Jini, learned counsel Additional Public Prosecutor has submitted that from the materials available in the Case Diary and also from the status report of the I.O, it is seen that the present petitioner is involved in the alleged offence of enrolling the names of more than 700 illegal voters with the help of arrested accused Shri Manuranjan Gogoi who is Data Entry Operator for monetary transaction. Further, she submitted that the custodial detention of the present petitioner will be required to unearth some other facts of the case. From the status report of the I.O, it also reveals that the present accused/petitioner is also trying to influence the other witnesses of this case who are acquainted with the fact of the case. It also reveals that the present accused/petitioner along with prime accused Shri Manuranjan Gogoi also transacted an amount of Rs. 18,000,00/- (Rupees Eighteen Lakhs) only to one Asha Phukan Borpatra Gohain of Dhemaji, Assam, and the prime accused Shri Manuranjan Gogoi also received Rs. 4,000,00/- (Rupees Four Lakhs) only in cash from the relatives of the present accused/petitioner. Further she submitted that as per the status report of the I.O, the accused/petitioner never appeared before the I.O after obtaining the interim pre-arrest bail and the Investigation Officer also denied about any raid conducted in the house of the present accused/petitioner. She further submitted that before the on-suing election the petitioner along with other co-accused persons enrolling the names of illegal voters through the help of prime accused Shri Manuranjan Gogoi who is basically a Date Entry Operator.

6. Considering the submissions made by the learned counsel for both the sides, I have perused the Case Diary and other relevant documents as well as the status report and the bail objection of the I.O.

7. From the materials available in the Case Diary, it is seen that during the investigation of this case and during interrogation of the prime accused Shri Manuranjan Gogoi, he admitted his involvement in the alleged offence and also mentioned the name of the present petitioner along with some other co-accused who also helped him in enrolling the names of some illegal voters only for some monetary transaction. Further from the statement, it also reveals that the present petitioner supplied some fake online filled up electoral form and also Aadhar Card of some applicants through WhatsApp asking him to include those names in electoral roll assuring that he will be benefitted and accordingly, he transferred Rs. 18,000,00/- (Rupees Eighteen Lakhs) only in the account given by Shri Manuranjan Gogoi and also paid Rs. 15,000,00/- (Rupees Fifteen Lakhs) only in cash to the co-accused. Apart from that the I.O has collected sufficient incriminating materials against the present accused/petitioner showing his direct involvement in the alleged offence.

8. From the materials available in the Case Diary, it is seen that some other persons are also involved in the alleged crime and hence, the custodial interrogation of the present petitioner will also be required to unearth some other facts of the case. Further considering the submission made by the learned Additional Public Prosecutor and materials available in the Case Diary, probability of influencing the other witnesses also cannot be denied at this stage.

9. So, considering the entire aspects of the case as well as considering the

gravity of the offence, I find that custodial interrogation of the present petitioner/accused will be required for just and proper investigation of this Case and accordingly, I do not find it a fit case to extend the privilege of pre-arrest bail to the present accused/petitioner and hence the order of interim pre-arrest bail granted to the accused/petitioner dated 22.01.2024 is hereby stands vacated.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant