

GAHC040001662024



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

Case No. : BA/5/2024

Tumi Yorpen
Son of Shri Singtung Yorpen, permanent resident of Karle Village, PO Monigoing,
Shri Yomi District, presently residing at Dokum Colony, PO Naharlagun, Papumpare
District, Arunachal Pradesh.

VERSUS

The State of AP and Anr
represented by the PP 2:Tadam Samnam
Age: 0
Occupation :
Son of Late Tajo Samnam
Komte Village
PO Monigong
Shri Yomi District
Arunachal Pradesh

Advocate for the Petitioner : Taba Tagum

Advocate for the Respondent : J Tsering

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

04.03.2024

Heard Mr. T. Tagun, learned counsel for the petitioner as well as Mr. J
Tsering, learned Special Public Prosecutor, Arunachal Pradesh and Ms. N.

Danggen, learned legal aid counsel appearing for the informant.

This is an application filed under Section 439 CrPC seeking release of the accused Shri Singtung Yorpen on bail, who was arrested in connection with MNG PS Case No. 02/2022 under Sections 376(AB)(3)/511/323/506/212 IPC read with Sections 6/10/12/18 of POCSO Act, 2012, which is now pending in the court of the learned Special Judge, Yupia.

In the aforesaid case, Shri Singtung Yorpen was made accused under Section 319 of the CrPC on the basis of the evidence of some prosecution witnesses.

While moving the bail application, the learned counsel for the petitioner submits that the witnesses, who impleaded the present accused, are already examined by him and therefore, the accused need not be detained in custody for further period of time.

The learned counsel for the petitioner submits that the accused has already completed 110 days in judicial custody.

Ms. Danggen, on the other hand, has submitted that the present accused has allegedly abetted the offence and therefore, he is liable to be punished as if he had actually committed the offence. Ms. Danggen therefore submits that period of detention already undergone by him should not be considered while appreciating the bail prayer of the accused.

I have considered the submission made by the learned counsel for both the sides. The PW Nos. 2,3,4 and 13 have impleaded the accused person and on the basis of their evidence, he was made accused in this case. The accused has cross-examined those witnesses.

In view of the above, the accused does not deserve to be detained in custody for further period. Accordingly, prayer for bail is allowed. Shri Singtung

Yorpen, who was detained in connection with MNG PS Case No. 02/2022 under Sections 376(AB)(3)/511/323/506/212 IPC read with Sections 6/10/12/18 of POCSO Act, 2012 shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Special Judge, Yupia.

With the above, the bail application is disposed of.

JUDGE

Comparing Assistant