

GAHC040002032024



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

Case No. : AB/23/2024

Jamru Markh @ Topa
Son of Late Jamru Tania, permanent resident of Village Huriong, PO Chamabang, PS
Palin, Kra Daadi District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP

Advocate for the Petitioner : Biki Tapa

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 01-03-2024

Heard Mr. B. Tapa, learned counsel for the accused/applicant. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. The present application has been instituted under Section 438 of the Cr.P.C. praying for grant of privilege of pre-arrest bail to the accused applicant, namely, *Shri Jamru Markh@ Topa*, who has been apprehending arrest in connection with Palin Police Station Case No. 22/2023 under Sections

380/457/427/436 IPC.

3. It is to be noted that the Palin Police Station Case No. 22/2023 came to be so registered on the basis of an F.I.R. lodge by one *Shri Jamru Taji* to the effect that the accused/applicant had on 02.12.2023 at around 1.30 am attacked his residence and burned down his car (Maruti Suzuki Espresso) along with the garage, wherein, it was so kept. It is also alleged that the accused/applicant had attempted to burn his residence and shop, however, on account of intervention by the neighbours, only the residence was partially burnt.

4. It is seen that the parties are related and between them a dispute existed with regard to the shares of ancestral land at Chambang Township area. And it was projected that it was on account of such dispute, the accused/applicant had lost his control and damaged the property of this brother. It has also been projected in the application that on intervention of the elders and other family members, the dispute was mutually resolved and such resolution was reduced in writing by way of execution of Deed of Agreement on 13.12.2023, wherein, the informant had agreed to forgive the accused/applicant on the later asking for unconditional apology. It is also brought on record that for the damage occasioning to the property of the informant, compensation has been provided for.

5. This Court has duly appreciated the submissions of the learned counsels for the parties, also perused the scanned copy of the Case Diary as produced before this Court and also considered the reconciliation arrived at between the informant and accused/applicant.

6. Considering the materials collected so far in the Case Diary, also considering the progress of the investigation and as well as the Deed of Agreement, dated 13.12.2023, executed by the informant and the accused/applicant, this Court is of the view that custodial interrogation of the accused/applicant seems to be not necessary in the present case.

7. Accordingly, this Court is inclined to make the interim directions passed vide order dated 16.02.2024 absolute on the same terms and conditions.

8. The anticipatory bail application accordingly stands disposed of.

JUDGE

Comparing Assistant