

GAHC040002622024



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

Case No. : AB/35/2024

Dip Perme
Son of Naranath Perme, resident of Garakhiya Chuk, Garakhiya Chuksukati NC, PO
Borkhamukh, PS Ghilmara, Lakhimpur District, Assam

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Biplob Borah

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 19.03.2024

Heard Mr. T. Chakravorty, learned counsel for the petitioner (through Video Conferencing). Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, seeking privilege of pre-arrest bail to the petitioner in connection with Nirjuli P.S. Case No. 106/2023, under Section 302, IPC, 1860, corresponding to G.R. Case No. 1131/2023.

An F.I.R. was lodged on 16.12.2023 by one Shri Nangram Along before the Officer-In-Charge, Nirjuli Police Station, which is reproduced hereinbelow:-

"To,

The Officer-in-charge

Nirjuli Police Station

Nirjuli

Sub: FIR against miscreant has done murder to deceased NANGRAM MENIA SANGHA.

Sir,

With reference to subject cited above I would like to inform your good office that since two days before, Shri Toko Anil (brother-in-law-Jija) and sister Smti. Nangram Mama did lots of call to deceased Nangram Menia Sangha contact number vide mobile no. 8170018221 on dated 14/12/2023 and 15/12/2023, but her contacts numbers came switch off. Then, both Shri Anil and Smti. Mama felt suspicious that

something goes wrong and then both persons went to deceased rent house at Nirjuli on 15/12/2023 at evening in between 7 pm to 7.30 pm and saw that her main rent house door was locked in outside and deceased car also parked inside the premises of the rent, which looks very clean and not went anywhere and her sandals/shoes were jumble-up and both persons tried calls many times her, but its came switch-off and even tried to see inside her rent rooms, but unable to see whereabouts to her, then Smti. Mama call to maximum family members/relatives to contact her or any information to her, then nobody have known for any details to her and even asked to neighbours also, but no any fruitful details was received from the neighbours, then both persons left away the said rent house and after I have call to Smti. Mama to come back and in between 8 pm to 8.30 pm, we broke the lock and see if any untoward incident occur or not, then we together reached at her rent room and through hacksaw blade, we have cutted her rent room's door lock and enter the house, then we saw that her dead body was laying on the floor of her bedroom and its look someone beater her seriously at her face and one tightly hanky at her neck, which shows that surely done murder to her with ill motive, but did not any sign of suicide and her bed as messed-up, her goodrez door was half opened and also on 13/12/2023 received parcel also opened and some of items of that parcel was missing.

Therefore, I highly request to your good office that kindly take strict action upon that miscreant or unknown person/persons. And kindly do immediate registered my FIR of the aforementioned crimes as per provision of law and I am the younger brother of deceased person.

Yours Faithfully

..."

On receipt of the aforesaid F.I.R., a case was registered on the same day being Nirjuli P.S. Case No. 106/2023, under Section 302, IPC, 1860.

According to the petitioner, he is a permanent resident of Lakhimpur, Assam and about 3 (three) years ago, he worked for few months in the village of the deceased. During the relevant period, he became friendly with the deceased and the petitioner left the village of the deceased from Arunachal Pradesh about 2 (two) years back in pursuit of better job opportunity. The

petitioner contends that for the last 2 (two) years, he was having no connection with the deceased. However, the petitioner was surprised to know that he has been called by the police over the telephone to appear in the Police Station in connection with the aforesaid case being Nirjuli P.S. Case No. 106/2023.

Mr. Chakraborty, learned counsel for the petitioner, submits that in view of the call from the police to appear in the police station in connection with the aforesaid case, the petitioner apprehends that he may be arrested. He submits that he is ready to co-operate with the Investigating officer and undertakes to abide by any condition that may be imposed by this Court. He further submits that petitioner left Arunachal Pradesh 2 (two) years back and had no connection with deceased or any person from the village of deceased and as such he is in no way connected with the alleged offence. Therefore, the learned counsel for the petitioner prays for grant of privilege of pre-arrest bail to the petitioner in connection with Nirjuli P.S. Case No. 106/2023, under Section 302, IPC, 1860.

Ms. T. Jini, learned Additional Public Prosecutor, by referring to the Case Diary, submits that as per the record, the involvement of the petitioner cannot be ruled out. Moreover, despite repeated call from the police to appear before the police station in connection with investigation, the petitioner has not appeared till date.

Perused the Case Diary placed by learned Additional Public Prosecutor.

It is seen that the CDR reports indicates the presence of the petitioner at the location of the deceased at the time of her death and on his own showing of

the petitioner, they had known to each other for the long period of time. As per record, it reveals that the petitioner was seen moving at the relevant point of time nearby the place of occurrence though the basic plea of the petitioner is of alibi. Thus, the plea of alibi in the *prima facie* view of this Court is unacceptable.

Having considered the Case Diary and the materials available therein, this Court is of the considered view that it is not a fit case to grant the privilege of pre-arrest bail to the petitioner at this stage.

Accordingly, the present anticipatory bail application stands rejected.

JUDGE

Comparing Assistant