

GAHC040002752024



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

Case No. : AB/38/2024

Tamchi Nukh
Son of Tamchi Dogum, a permanent resident of Village Nioph Nioya, PO and PS
Sangram, Kurung Kumey District, Arunachal Pradesh and presently residing at
Chandranagar, PO RK Mission, PS Itanagar, Papumpare District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP

Advocate for the Petitioner : Tadu Bayor

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 11-03-2024

Heard Mr. P. K. Gour, the learned counsel for the petitioner
and Mr. T. Ete, the learned Additional Public Prosecutor for the State
of Arunachal Pradesh.

This is an application under Section 438 of the Cr.P.C. in respect of Balijan P.S. Case No.02/2024, under Sections 341/397/325/427/506 of the Indian Penal Code.

It is alleged that on the day of occurrence i.e. on 04.02.2024, at about 11 pm while the informant was returning home, he was attacked by the petitioner and his associates. They used sharp weapons and threw away his mobile phone. They searched his pocket and took away his wallet. It is further alleged that those persons physically assaulted and also caused damaged to his scooter.

Mr. T. Ete, the learned Additional Public Prosecutor submits that the petitioner is habitual offender. Giving one example of his conduct, Mr. T. Ete, submits that in another Balijan P.S. Case No. 18/2023 registered under Sections 120 B/325/427/336/506/34 of the IPC, read with Section 27 of the Arms Act, he was released on interim bail and while he was in interim bail, he has committed this offence.

I have considered the submission of the learned counsel of both sides.

The provision of law as laid down in Section 438 of the Cr.P.C is

meant to be used in the present scenario. Therefore, the present bail application of the petitioner, Shri Tamchi Nukh is rejected and bail application stands disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant