

GAHC040002932024



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

Case No. : BA/23/2024

Mama Rigam
Son of Late Saje Rigam, resident of Type-I Colony, PO and PS Seppa, East Kameng
District, Arunachal Pradesh

VERSUS

The State of AP and Anr
represented by the PP 2:Tana Moryom
Age: 0
Occupation

Advocate for the Petitioner : Teto Taba

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 11-03-2024

Heard Mr. T. Taba, the learned counsel for the petitioner and
Mr. G. Tado, the learned Additional Public Prosecutor for the State of

Arunachal Pradesh.

This is an application filed under Section 439 of the Cr.P.C whereby the petitioner has prayed for releasing the accused, Shri Kenge Rigam on bail, who is presently in judicial custody in connection with POCSO case No. 16/2021.

During the investigation stage, the accused, Shri Kenge Rigam was allowed to go on bail and after filing of a Charge-Sheet, notice was issued to him asking him to appear in the court. Then his wife Miss Tana Moryom appeared before the trial court and produced one Death Certificate showing that the accused, Shri Kenge Rigam was no more alive. The trial court did not believe the Death Certificate and issued Non-Bailable Warrant of arrest against the accused. Thereafter, the police arrested him and now the trial is going on.

I find that the conduct of the petitioner is exceptionally bad and therefore, he does not deserve to be released on bail at this stage. However, the petitioner shall be at liberty to file bail application after examination of the victim by the trial court and 5(five) other witnesses.

With the aforesaid direction, present bail application is dismissed.

JUDGE

Comparing Assistant