

GAHC040016782023



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

Case No. : Crl.Petn./233/2023

Yomtum Ete
Son of Karyom Ete, R/o Paktu, P.O/P.S Aalo, District West Siang, Arunachal Pradesh.

VERSUS

The State of AP and Anr.
represented by the Special Public Prosecutor. (SIC) 2:Shri Dapu Ligo
Age: 0
Occupation

Advocate for the Petitioner : Duge Soki

Advocate for the Respondent : Ojing Pada

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 18.07.2024

Heard Mr. A. M. Barbhuiya, learned counsel for the applicant and Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

2. In compliance of the order dated 06.06.2024, the petitioners have filed additional-affidavit signed by all the applicants.

3. The updated Case Diary as called for, has been received and I have perused the same.
4. The record reveals that, after obtaining interim anticipatory bail, all the accused persons had appeared before the Investigating Officer of the case on 07.07.2024. And again on 22.03.2024, all the accused persons, reported before the IO. On the said date all the accused persons were arrested in connection with Chimpu P.S. Case No.11/2024 under Section 120(B)/420/409 IPC, corresponding to G.R. Case No.83/2024. However, on the same day, all the accused persons, namely *Kaji Abidur Rahman; Kaji Tayabur Rahman and Smti. Sultana Begam Mazumder* were released on bail, on execution of bail bond. They were released on bail on the strength of the interim anticipatory bail granted to them on 14.03.2024. The record further reveals that, even after their released also, the accused persons had appeared before the IO of the case on 07.07.2024 in compliance of the notice issued to them. On the said adate, the I.O. of the case has examined and recorded the statement of all the accused persons under Section 161Cr.P.C.
5. The conduct of the accused in the above record shows that the accused persons after obtaining interim anticipatory bail and even after their release have been co-operating and appearing before the I.O. of the case as and when they were called for.
6. The learned counsel for the applicant submits that the matter involves with the monetary transaction between the informant and the accused persons. And during the pendency of the bail petition, the matter has been amicably settled between the informant and the prime accused by executing the deed of settlement. Consequently, the accused had return some amounts to the informant and the remaining would be return to him within short period as agreed upon by the parties in the said settlement agreement.
7. In view of the above, and as the accused persons are co-operating and appearing before the I.O. of the case, the further remand and custodial interrogation of the accused persons may not be required, I am of the considered opinion that the interim pre-arrest bail granted to the accused persons in connection with Chimpu P.S. Case No.11/2024 under Section 120(B)/420/409 IPC, corresponding to G.R. Case No.83/2024 can be regularized. Accordingly, the interim anticipatory bail granted to the accused persons is hereby regularized and made absolute on the following conditions: -

- (i) That the accused persons shall make themselves available for further investigation before the I.O. as and when required;
- (ii) That they shall not directly or indirectly make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to any Police Officer;
- (iii) That the accused persons shall not commit the similar nature of offence as they are alleged of during the bail period.

With the above, this bail application stands allowed and disposed of.

JUDGE

Comparing Assistant