

GAHC040004342024



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

Case No. : AB/64/2024

Techi Dimin
D/o Shri Tech Tada, resident of Emchi Village, PO Doimukh, PS Doimukh,
Papumpare District, Arunachal Pradesh

VERSUS

The State of AP
represented through the PP

Advocate for the Petitioner : Khoda Tama

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 29-04-2024

Heard Mr. K. Tama, the learned counsel for the petitioner.
Also heard Mr. J. Tsering, the learned Public Prosecutor for the
State respondent and Mr. T. Topu, the learned counsel for the
informant/respondent No.2.

2. This is an application filed under Section 438 of the Cr.P.C.,1973 seeking pre-arrest bail to the petitioner i.e. Ms Techii Dimin, who is apprehending arrest in connection with Nirjuli P.S. Case No. 21/2024, registered under Sections 306 of the IPC, arising out of FIR dated 21.03.2024, lodged by one Shri Techii Pekhi Tara.

3. The brief facts of the case is that on 21.03.2024, an FIR was lodged by one Shri Techii Pekhi Tara alleging, *inter alia*, that his sister, namely, late Techii Neme Tok was found dead near water tank, Raga Nallah, Lekhi Village on that day at 8:PM and that his late sister always complained that her husband/co-accused is having extra-marital affair with the petitioner and when the late sister protested about the affairs, her husband/co-accused threatened her to kill her. It is the further allegation of the prosecution that on several occasion her husband/co-accused instigated to commit suicide to her late sister. Accordingly, an FIR was registered.

4. Case diary called for is placed before this Court.

5. Pertinent to mention that this Court by order dated 27.03.2024, granted interim pre-arrest bail to the petitioner subject to the conditions.

6. Mr. K. Tama, the learned counsel for the petitioner submits

that pursuant to the interim pre-arrest bail, the petitioner tried to appear before the Investigating Officer on 28.03.2024 and 29.03.2024 respectively, but on both occasions due to the protest made by the family members of the deceased before the jurisdictional police station against the petitioner, the petitioner was unable to appear. He further submits that the petitioner is falsely implicated in the offence alleged. He further submits that offence is under Section 306 alone of IPC and no provision of 34 IPC has been added to the matter.

7. Mr. J. Tsering, the Public Prosecutor for the State submits that the petitioner thereafter, had appeared before the Investigating Officer as per the interim pre-arrest bail granted. He further submits that the statement of the petitioner has been recorded under the provision of 161 Cr.P.C. He further submits that on the day of appearance by the petitioner, the petitioner was directed to hand over the mobile handset as during interrogation it has come into light that the petitioner by using the aforesaid mobile handset used to threaten the deceased victim. However, despite of attempts made by the interrogating officer, the petitioner did not deposit the mobile handset. Pursuant to this Court's direction dated 24.04.2024, the petitioner handed over the mobile handset to the Investigating Officer. It is submitted by the learned Public Prosecutor that the call data records are yet to be received against the said mobile handset.

He further submits that investigation is at active stage and custodial interrogation of the petitioner is of utmost essential.

8. Mr. T. Topu, the learned counsel for the informant/respondent No.2 submits that it is because of the active role of the petitioner that the victim has taken such a huge step to kill herself.

9. I have heard the submissions made at the bar and perused the materials available on records.

10. It appears from the statement especially of one Techhi Mana, sister-in-law of the deceased victim that the petitioner has played an active role, for which, the incident had occurred. It further appears that there are sufficient materials on record implicating the petitioner against the offence alleged. It further appears that the petitioner had telephonically called the victim and threatened her, because of which it is alleged that the victim has committed suicide. The call data of the mobile handset is yet to be received.

11. It may be noted herein that during the appearance of the petitioner before the Investigating Officer, the petitioner did not deposit the mobile handset despite several attempts made by the Investigating Officer to recover the same. In this connection, the petitioner by filing an additional affidavit has stated that though the brother of the petitioner had tried to hand over the said mobile

handset but Investigating Officer refused to receive the same.

12. Be that as it may, the call data analysis is yet to be received. Further, it appears that the investigation of the case is at an active stage. The offence is grave, thus, it is imperative to unearth the truth.

13. Considering the entirety of the matter, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

14. Resultantly, prayer of anticipatory bail is rejected.

15. Interim pre-arrest bail granted earlier stands vacated.

Returned the case diary.

JUDGE

Comparing Assistant