

GAHC040005132024



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

Case No. : BA/43/2024

Jarjo Jomoh
Son of Shri Gamja Jomoh, Village Raja Bapak Colony, Seppa, PO Seppa, East
Kameng District, Arunachal Pradesh

VERSUS

The State of AP
through the PP of AP

Advocate for the Petitioner : Lipi Niri

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 24-04-2024

Heard Mr. A. Bodo, the learned counsel for the petitioner and
Ms L. Hage, the learned Additional Public Prosecutor for the State
respondent.

2. This is an application filed under Section 439 of the Cr.P.C., seeking enlargement of the accused petitioner i.e. Shri Paul @ Chatung Jomoh, who has been arrested on 25.03.2024, in connection with Chimpu P.S. Case No. 25/2024, registered under Sections 341/307/34 IPC.

3. The case of the prosecution is that an FIR was lodged on 25.03.2024, against 6(six) persons including the petitioner alleging, *inter alia*, that on 25.03.2024, the accused person physically attacked and attempted to murder the younger brother of the informant and another friend of theirs.

4. Mr. A. Bodo, the learned counsel for the petitioner submits that the petitioner is not involved in the offence alleged. He further submits that the petitioner has been wrongly implicated in the offence alleged. He further submits that the petitioner is willing to cooperate with the investigation, if enlarged on bail.

5. Ms L. Hage, the learned Additional Public Prosecutor, on the other hand, opposes the prayer for bail. She submits that though the CCTV footage has been collected by the Investigating Officer, it does not indicate whether the petitioner was present or not. She further submits that the MLC of the victim is yet to be collected by the Investigating Officer. She fairly submits that there is no any incriminating evidence found against the present accused in the

materials so far collected by the I.O.

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

7. Considering the facts and circumstances of the case, this Court is of the considered view that detention of the accused petitioner is not justified. Accordingly, it is directed that petitioner named above shall be forthwith released in connection with the aforementioned case on furnishing a bail bond of Rs.20,000/- with a surety of like amount before the learned District and Sessions Court, Yupia subject to following conditions:-

- 1) That the accused petitioner shall appear before the I.O as and when required;
- 2) That the accused shall not, directly, or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- 3) That the accused shall not leave the jurisdiction of District and Sessions Court, Yupia.

Disposed of.

JUDGE

Comparing Assistant