

GAHC040005382024



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

Case No. : AB/77/2024

Takung Kyamdo
Son of Shri Tabu Kyamdo, resident of Kyamdo village, PO and PS Nacho, Upper
Subansiri District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Duge Soki

Advocate for the Respondent : P P of AP

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

30.04.2024

Heard Mr. Duge Soki, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Addl. PP for the State respondent.

2. This is an application under Section 438 of CrPC, 1973 for granting Anticipatory Bail for the accused person in connection with Nacho PS Case No. 02/2024 registered under Section 452/448/427/34 IPC r/w Section 3 of

Prevention of Damage to Public Property Act, 1984 and Sections 131/135A of Representation of People Act.

3. The facts of the prosecution case is that the three persons namely, i) Sh. Takong Kyamdo ii) Sh. Taru Byaling and iii) unknown came to the 22-Dingser Polling Station and totally damaged and destroyed poll used EVM of balloting unit and VVPAT of both Assembly and Parliament at around 4:30 pm. Accordingly, a case has been registered.

4. Mr. D. Soki, learned counsel for the petitioner submits that the petitioner is totally innocent and has no role to play in the offence alleged.

5. Mr. T. Ete, learned Addl. PP, Arunachal Pradesh on the other hand strongly opposes the prayer for the Anticipatory Bail. He submits that there are adverse materials available in the Case Diary.

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

7. It appears from the materials collected by the Investigating Officer which is available in the Case Diary that there are sufficient evidence to indicate that the petitioner has destroyed the EVM Machine and VVPAT of both Assembly and Parliament Election.

8. The offence is grave; it is imperative to unearth the truth.

9. In view of the adverse materials available against the petitioner and considering that the investigation is at a progressing stage, this Court is not inclined to grant Anticipatory Bail to the petitioner at this stage.

Accordingly, the prayer for the Anticipatory Bail stands rejected.

JUDGE

Comparing Assistant