

GAHC040005702024



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

Case No. : AB/84/2024

Hironmay Moran
Son of Shri Ajit Moan, permanent resident of Bormechai, PS Tongana, District
Tinsukia, Assam

VERSUS

The State of AP and 4 Ors
represented by the PP of AP 2:Jugesh Taye
Age: 0
Occupation :

3:Bijay Ballav Neog
Age: 0
Occupation :

4:Chow Woisan Mannow
Age: 0
Occupation :

5:The Officer in Charge
Age: 0
Occupation

Advocate for the Petitioner : Tayum Son

Advocate for the Respondent : P P of AP

-BEFORE-

HON'BLE MR. JUSTICE KARDAK ETE

14.05.2024

Heard Mr. T. Son, learned counsel for the applicant/ accused and Ms. L. Hage, learned Addl. PP for the State.

Apprehending arrest in connection with Mahadevpur P. S. Case No. 08/2024 under Sections 153A IPC read with Section 123 (3A) (4) and 125 of the Representation of People Act, 1951, the applicant/ accused, namely, ***Shri Hironmay Moran*** has filed this application under Section 438 Cr.P.C. for grant of privilege of pre-arrest bail in connection with the aforesaid P.S. Case.

The above case has been registered pursuant to lodging of FIR by 13 persons on 20.03.2024 alleging that the Youtube Channel, namely, 'Update News' has clearly mentioned that Shri Chowna Mein, HDCM is an anti-Assamese and anti Lekang and he has done nothing for the welfare of the people of Lekang in his 25 years of tenure at Lekang. Now, the HDCM is sending his close aids, namely, Chow Sujana Namchoom, who is also an anti Assamese to Lekang as Candidate of BJP. It has also been alleged that such news item may create misunderstanding among the innocent voters of 48th Lekang (ST) Assembly Constituency at the time of Election.

On registration of the FIR, the investigating authority during investigation prepared a transcripts according to which, it is found to be promoting enmity on the ground of community.

Perused the Case Diary produced today by the learned Addl. PP Ms. L. Hage.

On perusal of the Case Diary, it transpires that the transcripts of the

contains of the video which according to the I.O. appears to be promoting enmity, disharmony amongst the different communities which needs to be ascertained. However, since the applicant/ accused is ready to co-operate with the investigating authority, I am of the considered view that the applicant/ accused is entitled for grant of privilege of pre-arrest bail.

Accordingly, in the event of the arrest of the applicant/ accused, namely, ***Shri Hironmay Moran;*** he shall be released on bail on furnishing a bail bond of Rs.20,000/- with 2 (two) local sureties of like amount to the satisfaction of the arresting authority subject to the following conditions:-

1. That the applicant/ accused shall appear before the Investigating Authority within a period of 7 (seven) days from today, failing which, on and from the 8th day, this order shall have no force;
2. That the applicant/ 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 her from disclosing such facts to the Police Officer or tamper with the evidence of the case; and
3. That the applicant/accused shall not leave the jurisdiction of the learned JMFC, Namsai, without prior permission.

This bail application stands allowed and disposed of.

JUDGE

Comparing Assistant