

GAHC040006062024



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

**Case No. : BA/51/2024**

Tasa Baki  
Son of Late Takar Baki, resident of Village Maderopu, Po and PS Nacho, Upper  
Subansiri District, Arunachal Pradesh and presently residing at Doimukh, Papumpare  
District, Arunachal Pradesh

VERSUS

The State of AP  
represented by the PP of AP

**Advocate for the Petitioner** : Taja Garam

**Advocate for the Respondent** : P P of AP

**B E F O R E**  
**HON'BLE MR. JUSTICE KARDAK ETE**

**ORDER**

**06.06.2024**

Heard Mr. T. Garam, learned counsel for the applicant. Also heard Ms. L. Hage, learned Addl. P.P. for the State, assisted by Mr. C. Modi, learned counsel for the victim.

2. This is an application under Section 439 Cr.P.C., 1973, filed by Shri Tasa Baki, praying for grant of post arrest bail to the accused, namely, **Ms. Yaning Baki** in connection with **Papu Hills P.S. Case No. 24/2024**, under Sections **326/285/286** of the Indian Penal Code, 1860.

3. The prosecution case in brief is that a written complaint was filed by one Shri Hillang Raj on 07.05.2024 against the accused before the Officer-in-Charge, Police Station, Papu Hills alleging, inter-alia, that the accused had attacked him at around 0800 hours at NS and C rented apartment Papu-I near August Store, threw a petrol and tried to burn him alive inside the bathroom, while he was changing his cloths.

4. On receipt of the said FIR, a case has been registered being Papu Hills P.S. Case No. 24/2024, under Sections 326/285/286 of the Indian Penal Code, 1860. Thereafter, the accused Ms. Yaning Baki was arrested on 09.05.2024 and since then, she is in judicial custody.

5. It is the case of the applicant that the accused and the complainant have been in love relationship. The accused having come to know that the informant is a married man, has decided to discontinue the relationship with the informant. It is contended that that on 06.05.2024 at around 5.30 A.M., the complainant came to the rented house of the accused. Despite her resistance, the complainant forcefully entered her room and started to abuse her which resultant into a fight between them. In fact, it is the accused who ought to have filed the FIR, however, the informant has filed the FIR against the accused.

6. Mr. T. Garam, learned counsel for the applicant submits that the incident occurred due to the relationship of love affair between the accused and the informant, which has traumatized the accused. It was in the hit of the fight, the

complainant got minor burnt. The accused is a graduate and he is preparing for the Civil Service Exam, since, 2019. The allegation against the accused is false and it happened in the course of fight between them. It happened while the complainant was trying to snatch the lighter and the petrol bottle thereby accidentally it caused burns to the complainant. The accused was arrested on 09.05.2024 and since then she is in jail for 27 days.

7. Mr. T. Garam, learned counsel for the applicant submits that the accused has been cooperating with the investigation of the case and also her statement has been recorded by the Investigating Officer and there is no requirement of custodial interrogation. He further submits that the accused is a graduate and she is preparing for State Civil Service Examination and if, the accused is allowed to remain in jail then it will hamper her career. The learned counsel for the applicant submits that the accused/petitioner is ready to abide by any conditions, if the accused is released on bail.

8. Ms. L. Hage, learned Addl. P.P. for the State, while referring to the case diary, has submitted that the accused has admitted the commission of crime. She has submitted that the victim/complainant has sustained 42% burn injuries and he is still undergoing treatment at hospital. She further submitted that the statement of the victim will be required for further investigation. She submits that the accused is not cooperating with the investigation and if she is granted the bail, there is a chance of hampering and tampering with the witnesses and the evidence. The alleged offence committed by the accused is serious in nature and thus, at this stage, it would not be appropriate to allow the accused to go on bail.

9. Considered the submissions made by the learned counsels for the parties and have perused the Case Diary.

10. Record reveals that the victim had sustained grievous burn injuries up to 42% and presently he is admitted in the hospital and undergoing treatment till date and yet to be fully recovered.

11. This Court vide order dated 13.05.2024, called for the case diary and on 17.05.2024, the updated case diary was called for. Thereafter, vide order dated 04.06.2024, after perusal of the case diary, this court had observed that the investigation is still in the initial stage and the IO has opposed the bail on the ground that the release of the accused person at this stage would hamper the investigation. On having been considered the status report submitted by the investigating Officer, the Addl. P.P. was directed to obtain updated status of the investigation as the instruction was appeared to be a normal stand of the Investigating Officer.

12. Today, the case diary has been placed before this Court with the same status report. Relying on the updated status report, the learned Addl. P.P. has vehemently opposed the bail by submitting that if the accused is released on bail, there is a chance of hampering and tampering of the witnesses and the evidences.

13. On consideration of the updated status of the case and on perusal of the case diary, it is noticed that the investigation appears to be slow in its progress. Even after lapse of nearly a month, the investigating officer reported that the investigation is in initial stage. Be that as it may, the statement of the accused has been recorded and there appears no further custodial interrogation of the accused. The statement of the witnesses have also been recorded. Therefore, I am of the considered view that there is no necessity of accused to remain in incarceration.

14. It is settled that the object of bail is to secure the appearance of the accused person at his/her trial by reasonable amount of bail. It is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his/her trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction and that every man is deemed to be innocent until duly tried and duly found guilty.

15. It is true that while considering the application for grant of bail to accused person, the seriousness of the offence and the materials against the accused person should be taken into consideration. However, the seriousness of the offence cannot be sole criterion for denying bail, the other equally important principle of personal liberty and the limited circumstances for restricting liberty before conviction is to be considered.

16. In the case in hand, on consideration of the submissions of the learned counsel for the parties and on perusal of the records, it transpires that the accused is in incarceration since 09.05.2024. The statement of the accused has been recorded and there appears no further custodial interrogation of the accused. The statement of the witnesses have also been recorded.

17. Having considered the materials and considering the antecedent of the accused as well as considering that the accused has been in jail since 09.05.2024 for 27 days and no further custodial interrogation is appeared to be required, I deem it appropriate to grant bail to the accused.

18. Accordingly, the accused, namely, **Miss Yaning Baki @ Manang** is allowed to go on bail in connection with the above mentioned case on furnishing bail bond of Rs.15,000/- (Rupees Fifteen Thousand) only with one surety of like

amount to the satisfaction of the learned CJM, Yupia, subject to the following conditions-

i) The accused shall appear before the Investigating Officer as and when required;

ii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer;

iii) The accused shall not leave the jurisdiction of the learned Trial Court without prior permission till completion of the trial; and

iv) The accused shall refrain from such activities with which she is alleged.

In the event of failure to abide by the above conditions, this bail order shall automatically stand cancelled.

19. With the above observation, this bail application stands allowed. This disposes of the bail application.

Send back the case diary.

**JUDGE**

**Comparing Assistant**