



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

Case No. : BA/55/2024

Miss Techhi Dimin
D/o Shri Techhi Tada, resident of Village Emchi, PO Doimukh, PS Doimukh,
Papumpare District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : A. Tiwary, Khoda Tama

Advocate for the Respondent : Mr. T. Ete, P P of AP; Mr. T. Topu

BEFORE
HONBLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 14-06-2024

Heard Mr. A. Tiwary, learned counsel appearing for the petitioner. Also heard Mr. T. Ete, learned Addl. P.P. for the State respondent and Mr. T. Topu, learned counsel for the informant/respondent no. 2.

2. This is an application filed under Section 439 of the Cr.P.C. 1973,

seeking bail to the petitioner i.e. Ms. Techii Dimin, who was arrested 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 was found dead near water tank on that day at 8.00 P.M. and that his 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.

4. 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.

5. Pertinent that the petitioner had earlier filed anticipatory bail application being AB No. 64/2024 before this Court, which was rejected vide order dated 29.04.2024.

6. Against the aforesaid rejection, the petitioner approached before the Hon'ble Apex Court of India. However, pending adjudication, the petitioner was arrested and in view of the arrest of the petitioner, the Hon'ble Apex Court was pleased to grant the petitioner on interim bail till disposal of the regular bail application for a period of 1(one) month in

order to facilitate the consideration of the grant of regular bail.

7. Mr. A. Tiwary, learned counsel for the petitioner submits that there is no allegation whatsoever in the FIR against the petitioner. He further submits that merely because the petitioner was having an affair with the husband of the victim cannot constitute an act of criminality.

8. Mr. T. Ete, learned Add. P.P. for the State respondent on the other hand strongly opposes the prayer for grant of regular bail. He submits that the FSL report is yet to be received.

9. Mr. T. Topu, learned counsel for the informant submits that in the event the petitioner is released on bail, stringent conditions may be imposed.

10. Heard the parties and perused the materials available on record.

11. It appears from the case diary that the investigation has substantially progressed. It further appears that the husband/co-accused has been granted bail by the Sessions Judge, Yupia, Arunachal Pradesh, vide order dated 21.05.2024. It further appears that the petitioner has appeared earlier before the Investigating Officer and her statement has also been recorded under Section 161 Cr.P.C.

12. In view of the facts and circumstances, this Court is of the considered

view that custodial interrogation of the petitioner may not be justified for the ongoing investigation. Accordingly, the bail petition succeeds.

13. In view of above, the interim bail granted by the Hon'ble Apex Court is hereby made absolute subject to following conditions:-

(i) That the petitioner shall co-operate with the investigation,

(ii) That the petitioner shall appear before the learned Trial Court on all dates fixed,

iii) That the petitioner 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,

iv) That the petitioner shall refrain from such activities with which she is alleged,

v) That the petitioner shall not leave the territorial jurisdiction of the Criminal Court without prior permission.

14. With the above observation, this bail application stands allowed.

15. This disposes of the bail application.

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Send back the case diary.

Comparing Assistant

JUDGE