

GAHC040007642024



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

Case No. : AB/99/2024

Techi Pahi Tara
Son of Techhi Tajab Tara, resident of Gumte Village, PO and PS Pakke Kessang,
Lemmi, Arunachal Pradesh

VERSUS

The State of AP and Anr
represented by the PP of AP 2:C W Manpoong
C.O (J)
Age: 0
Occupation

Advocate for the Petitioner : Khoda Tari

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 05.08.2024

Heard Mr. K. Tari, learned counsel for the applicant. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

By filing this application under Section 438 Cr.P.C., 1973 the applicant has

prayed for grant of privilege of pre-arrest bail in connection with Koloriang P.S. Case No. 210/2024, under Section 468/471 IPC.

The case has arisen on filing of an F.I.R., dated 07.06.2024, by one Shri C. W. Manpoong, Circle Officer (J), before the Superintendent of Police, Kurung Kumey District, Koloriang stating that the Office has received an arm license No. KKD/A/262 with license holder Shri Techhi Pohi Tara, S/o Lt. Techhi Tajab Tara, Village Gumte, P.O. & P.S. Pakke Kessang, District Pakke Kessang, for renewal. However, after proper scrutiny of the arm license and the official record, there is no such license neither registered nor issued from the Office and therefore, it can be safely concluded that the arms license is fake. Pursuant thereto, a case was registered on 11.06.2024, being Koloriang P.S. Case No. 210/2024, under Section 468/471 Indian Penal Code.

Mr. K. Tari, learned counsel for the applicant, submits that the applicant visited the Office of the Deputy Commissioner, Kurung Kumey District for the renewal of his arm license, which was obtained from one Shri Tarh Loram by paying certain amounts. However, on enquiry, it was found out that the arm license is not genuine, as there is no registration of the said arm license. The applicant immediately contacted Shri Tarh Loram, from whom he has obtained the arm license, and the said Tarh Loram has assured him that the same shall be settled. However, there was no settlement as assured by the said Tarh Loram and the police has already registered the case alleging the arm license of being fake. Therefore, the applicant apprehends that he may be arrested by the police, though he is innocent. Further Mr. Tari submits that the applicant has also lodged an F.I.R. against the said Tarh Loram before the Officer-In-Charge,

Koloriang Police Station.

This Court, while issuing notice and calling for the Case Diary on 18.06.2024, had granted the privilege of interim pre-arrest bail the applicant.

Ms. L. Hage, learned Additional Public Prosecutor, has placed the Case Diary. She submits that from the materials available in the Case Diary, it appears that the fake arm license was manufactured by one Shri Tarh Loram and thereafter the same was given to the present applicant. A Notice under Section 41A Cr.P.C. has already been issued to the said Tarh Loram. In the facts and circumstances, as revealed from the materials in the case, she fairly submits that there is no ground to raise objection for grant of pre-arrest bail to the present applicant, however, the applicant should co-operate with the Investigating Officer.

I have considered the submissions made by the learned counsels for both sides and also perused the Case Diary.

Having considered the submissions of learned counsel for the parties and on perusal of the Case Diary, which reveals that, *prima facie*, fake arm license was given by one Shri Tarh Loram, who is stated to be the main accused, to the applicant and also considering that the applicant appears to be *prima facie* innocent in the matter, although he ought to have verified before accepting such license, I am of the considered view that the applicant is entitled to the privilege of pre-arrest bail. Accordingly, the interim pre-arrest bail granted to the accused/ applicant by this Court, vide order dated 18.06.2024, is hereby made

absolute with the same terms and conditions.

In terms of above, this anticipatory bail application stands allowed and disposed of.

JUDGE

Comparing Assistant