

GAHC040009112024



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

Case No. : AB/106/2024

Dr. Tarik Talom
Son of Late Tapiyam Talom, Jomo Village, PO and PS Rumgong, Siang District,
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Adam Tatak

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 21.08.2024

Heard Mr. T. Gyatso, learned counsel for the applicant. Also heard Mr. G. Tado, learned Additional Public Prosecutor for the State respondent.

2. This is an application filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail in connection with FIR No. 95/2024 R/w Section 305(a)/324(4) of Bharatiya Nyaya Sanhita dated 21.07.2024 in Police Station of Pasighat, East Siang District, Arunachal Pradesh.

3. Mr. T. Gyatso, learned counsel for the petitioner has submitted that by order dated 24.07.2024, the petitioner, namely, **Dr. Tarik Talom** was granted interim bail by this Court and in pursuant to the direction of this Court, the petitioner appeared before the Investigating Officer and he was allowed to go on interim bail and his statement was recorded under Section 180 of Bharatiya Nagarik Suraksha Sanhita, 2023.

4. Mr. T. Gyatso, learned counsel for the petitioner submits that the petitioner has co-operated in the investigation and is ready to further co-operate in the investigation and has therefore, prayed that interim bail granted to him by this Court may be made absolute.

5. Mr. G. Tado, learned Additional Public Prosecutor has produced the Case Diary of Pasighat Police Station Case No. 95/2024, which was called for in connection with this case and has vehemently opposed making the interim bail as absolute on the ground that after getting interim protection by this Court, the petitioner has not been co-operating with the Investigating Officer. He also submitted that the stolen property is yet to be recovered and the CCTV footage collected during the investigation shows the involvement of the present petitioner in the alleged offence.

6. I have considered the submissions made by the learned counsel for both the sides and I have gone through the materials on record including the Case Diary of Pasighat Police Station Case No. 95/2024.

7. It appears that the petitioner has appeared before the Investigating Officer and his statement has also been recorded under Section 180 of BNSS, 2023. However, it also appears that on 25.07.2024, the Investigating Officer had served notice under Section 35 of BNS for appearing before the Investigating Officer, however, it is alleged that the petitioner has not complied with the said notice and therefore, it is submitted by the learned Additional Public Prosecutor that arrest of the present petitioner is necessary for his further interrogation.

8. It appears that while granting interim bail to the present petitioner, no

condition was imposed by this Court on 24.07.2024. Though, no condition has been imposed, however, it is implied that when the interim protection is granted in a case where investigation is pending, the accused is supposed to co-operate in the investigation during the period when he is enlarged on bail.

9. Considering the nature of the offence involved in this case and considering the facts that the petitioner was once enlarged on interim bail, however, no condition was imposed. This Court is of considered opinion that if some conditions are imposed while making the interim bail absolute. And if the petitioner co-operates in the investigation, his custodial interrogation may not be necessary for fair completion of Pasighat Police Station Case No. 95/2024.

10. In view of above discussion, the interim bail granted to the above-named petitioner on 24.07.2024 by this Court is hereby made absolute with following conditions:

- (i) That the petitioner shall appear before the Investigating Officer once in a week for next 2 (two) weeks or till the investigation is completed whichever is earlier and shall co-operate in the investigation;
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the witnesses or

any person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before Investigating Officer;

- (iii) That the petitioner shall not indulge in any offence similar to for what he has been accused in the instant case.

11. It is hereby made clear that if the petitioner fails to comply with the above conditions, same may be good ground for cancellation of the bail granted to the petitioner.

12. With the above observation, this Anticipatory Bail application is hereby allowed and stands disposed of.

Send back the Case Diary.

JUDGE

Comparing Assistant