



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

Case No. : BA/81/2024

Amu Tana
Son of Late Tade Tana, Chamte Village, PO Pijarang, PS Pakke kessang, District
Pakke Kessang, Arunachal Pradesh

VERSUS

The State of Arunachal Pradesh
represented by the PP of AP

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19-08-2024

Heard Mr. T. T. Tara, learned counsel for the applicant and Mr. G. Tado, learned Additional Public Prosecutor for the State.

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973 filed by the applicant Shri Amu Tana, praying for release of the accused applicant Smti. Yangu Tana, who has been detained behind the Bar since

27.11.2023 in connection with Seppa P.S. Case No. 106/2023 under Sections 302/201/120B/34 IPC which is pending trial before the learned Sessions Judge, West Kameng District, Bomdila.

3. The accusation in this case is that on 13.10.2023 one Shri Dogin Tamin, SI(P) had lodged an FIR before the officer-in-charge of Seppa Police Station, East Kameng District, Arunachal Pradesh, *inter alia*, alleging that on that day at about 06:30 hours he received a telephonic call regarding finding of an unknown dead body near Type-III, Church Colony, Seppa. After receipt of the information, the informant rushed to the said place and recovered a dead body of a middle-aged person having blood spot in multiple locations on his body. Suspecting the same to be a case of murder, an FIR was lodged. On receipt of the FIR, Seppa P.S. Case No. 106/2023 under Sections 302/201/120B/34 IPC was registered and investigation was initiated. Ultimately on completion of the investigation, charge-sheet was laid against 7 (seven) accused persons including the accused namely, Shri Taje Tana under Sections 302/201/120B/34 IPC.

4. Mr. T. T. Tara, learned counsel for the applicant has submitted that that accused applicant has been detained behind the Bars since the date of her arrest i.e. 27.11.2023 and she has been facing the trial by remain in the custody. It is also submitted by the learned counsel for the applicant that though only 6 (six) witnesses were listed in the charge-sheet for prosecution side, however, in the meanwhile, the prosecution side has already examined 14 (fourteen) witnesses. Therefore, there is no apprehension that the witnesses may be influenced if the accused applicant Smti. Yangu Tana is released on bail. Learned counsel for the applicant has also submitted that it has also come up in evidence that accused applicant was not present at the place of occurrence and

the only charges against her is as the conspirator. Learned counsel for the applicant has also submitted that in the meanwhile 2 (two) out of 7 (seven) accused persons who are facing trial have already been released on bail and he submits that the accused applicant Smti. Yangu Tana would face trial and cooperate in the remaining part of the trial if she is release on bail and there is no justification for keeping her behind the Bars.

5. On the other hand, Mr. G. Tado, learned Additional Public Prosecutor has opposed the grant of bail to the accused applicant Smti. Yangu Tana on the ground that there are sufficient incriminating materials against her on record. He also submits that as the above-named accused is one of the main conspirators in commission of the alleged offence and as the trial is nearing its culmination and there is every likelihood that the above-named accused would be convicted in the trial, bail may not be granted to the accused applicant at this stage.

6. I have considered the submissions made by the learned counsel for both sides and have perused the materials available on record including the scanned copy of the Trial Court record which was requisitioned in connection in the present bail application.

7. In the instant case, already two of the co-accused who are facing trail have been released on bail. Moreover, it appears that though only 6 (six) witnesses have been listed in the charge-sheet, prosecution side has already examined 14 witnesses, therefore, the apprehension of influencing the witnesses at this stage does not arise. Though the learned Additional Public Prosecutor has also submitted that he apprehends that the accused may escape the course of justice if she is allowed to go on bail, however, no basis for the

said apprehension is there could be brought before this Court. Hence, considering the facts and circumstances of the case as well as considering the submissions made by the learned counsel for the applicant that the accused applicant is ready to cooperate in remaining part of the trial, this Court is of the considered opinion that there is no justification for keeping the above-named accused behind the bars during the remaining part of the trial when she is not one of the main accused.

8. Also considering the fact that the accused applicant Smti. Yangu Tana has been detained behind the bars for more than 10 (ten) months and trial is fairly progress, this Court is of the considered opinion that this is a fit case where bail may be granted to the above -named accused.

9. In view of the above, Smti. Yangu Tana is hereby allowed to go on bail on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with one surety of like amount to the satisfaction of the learned Sessions Judge, Bomdila with the following conditions:

- i. That the above-named accused, namely, Smti. Yangu Tana shall regularly appear before the trial Court and shall cooperate with the trail;
- ii. That the above-named accused 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 persons from disclosing such facts before the Court or before any police officer.

10. With the above observations, this bail application stands disposed of.

JUDGE

Comparing Assistant