

GAHC040010512024



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

Case No. : AB/114/2024

Nason Borang
Son of Late Nyonggom Borang, resident of Mirsam village, Pasighat, PO and PS
Pasighat, East Siang District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Dicky Panging

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 29.08.2024

Heard Mr. D. Panging, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State respondent as well as Ms. O. Binggep, learned counsel appearing for the victim.

This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner, namely, **Shri Nason Borang**, anticipating his apprehending arrest in connection with Pasighat P.S. Case No. 94/2024 under Section 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

The gist of accusation in this case is that on 20.07.2024, one Smti Mohimang Litin lodged an FIR before the Officer-In-Charge of Pasighat Police Station, *inter alia*, alleging that in the morning on the day of lodging the FIR, she came to know that her son Olip Litin Mukherjee was murdered in rehab centre, Gumin Nagar, which is owned by the present petitioner. On receipt of the said FIR, Pasighat P.S Case No. 94/2024 was registered and investigation was initiated.

Mr. D. Panging, learned counsel for the petitioner has submitted that the present petitioner is only the owner of the rehab centre, where the deceased was admitted and he has no role in the death of the deceased. However, the police are searching for him only because of the fact that he happens to be the owner of de-addiction centre, namely, Abundant Light Foundation, where the alleged incident occurred.

On the other hand, Mr. T. Ete, learned Additional Public Prosecutor has produced the Case Diary of Pasighat P.S. Case No. 94/2024 and has vehemently opposed the grant of anticipatory bail to the present

petitioner, on the ground that in the Case Diary there are sufficient incriminating materials including the CCTV footage and the statement of the other witnesses where the implication has been made against the present petitioner. Hence, he submits that this is not a fit case, where the benefit of Section 482 of BNSS may be granted to the petitioner.

Ms. O. Binggep, learned counsel appearing for the victim also opposes the grant of the anticipatory bail to the present petitioner.

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

This case involves offence of murder under Section 103 of BNS, 2023 and on perusal of the Case Diary of Pasighat P.S. Case No. 94/2024, it appears that there are sufficient incriminating materials against the present petitioner in the Case Diary, which do not justify the grant of anticipatory bail to him at this stage of the investigation. For the reasons mentioned herein before, the prayer for anticipatory bail by the present petitioner is rejected and the same stands disposed of.

Send back the Case Diary.

JUDGE

Comparing Assistant