

GAHC040013072024



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

Case No. : BA/98/2024

Batum Kakki
Son of Late Karsu Kakki, resident of Village Jarkong, PO and PS Pasighat, East Siang
District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Chorpok Modi, Wanglat Khomrang, Bomyom Ori, N Tania, Nannu
Yubi, M Lego, Tame Rimi, Uttam Deka

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 30-09-2024

Heard Mr. Chorpok Modi, learned counsel for the petitioner. I have also heard Mr. G. Tado, learned Addl. P.P. for the State respondents and Ms. O. Bagia, learned counsel appearing on behalf of the informant/victim.

2. It is submitted that based on FIR lodged by one Smty Mohimang Latin inter alia alleging that her son Olip Litin Mukerje was murdered at

Rehab Centre owned by Shri Nason Borang on 19.7.2024, the above Pasighat PS Case No.94/2024 u/s 103(1)/3/(5) BNS 2023. The accused applicant was arrested on 27.7.2024 in connection with the above Pasighat PS Case. It is submitted that on 28.8.2024, the accused applicant was granted temporary bail. However, subsequently on prayer being made, his said temporary bail was not extended and the application for regularization was rejected on 21.9.2024. As a result, the accused was taken back to custody. Since then, the accused is inside the jail custody.

3. By filing this bail application under section 438 (1) BNSS, the petitioner is seeking grant of regular bail and submits that since the police has already examined and recorded the police statement of all the witnesses, his further custodial detention is no more required. It is further submitted that the accused is ready to cooperate and abide by any terms and conditions that may be imposed by this Court for his bail.

4. The learned P.P produced the scanned copy of the Case Diary and I have perused the same.

5. The learned Addl. PP further submits that the accused is involved in the custodial murder of the deceased. She further submits that as per the CCTV footage and still photos shown on record indicates that the accused was present at the time of commission of the alleged offence. All the witnesses also corroborated his presence at PO at the time of commission of the alleged offence.

6. It is further submitted that the learned Trial Court while rejecting the earlier bail petition of the accused has also observed that the case is very serious and the offence is heinous and there is a prima facie case against

the accused. It is also observed that there was a threatening by the relatives of the accused to the informant/victim side for compromization of the case.

7. On perusal of the record, it appears that the bail application of the accused petitioner was rejected amongst other on the ground that there is a prima facie case found against the accused for commission of the alleged offence and there was every possibility of the accused influencing and hampering with the evidence. And since then, there seems nothing has changed with regards to the status of the case. Moreover, the petitioner has not taken any new ground for bail prayer before this Court.

8. The records further reveals that many accused persons are involved in the instant case and the case is still under investigation. It is further submitted that grant of bail to the accuse at this stage will be a detrimental to the further investigation of the case. Hence, prays for rejection of this bail application.

9. Considering the nature of allegation made against the accused petitioner and the material found against him on record, and also considering that the case is still under investigation, I am not inclined to grant bail to the accused at this stage. Hence, the bail applications stand rejected.

10. Return the Case Diary.

JUDGE

Comparing Assistant