

GAHC040014922024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)
Case No. : AB/132/2024

Kiapa @ Tapa Maki
Son of Late Takia Maki Riba, permanent resident of Maki Village, Po and PS Taliha, Upper Subansiri District, Arunachal Pradesh and presently residing at Dilidi Colony Daporijo, PO and PS Daporijo, Upper Subansiri District, Arunachal Pradesh.
VERSUS
The State of AP
represented by the PP of AP

Advocate for the Petitioner : Tsangpa Tsering, S Wangpan, T Kumar, Tsering Lhamu
Advocate for the Respondent : P P of AP,

-BEFORE-
HON'BLE MR. JUSTICE KARDAK ETE

18.11.2024

Heard Mr. T. Tsering, learned counsel for the applicant and also heard Ms. L. Hage, learned Addl. PP for the State.

This is an application under Section 482 of the BNSS Act, 2023 praying for grant of privilege of pre-arrest bail to the accused applicant Shri ***Kiapa alias Tapa Maki*** in connection with Taliha P.S. Case No. 07/2024 registered under Section 468 of the Indian Penal Code.

A written complaint was filed before the Officer-in-Charge, Taliha Police Station by one Shri Singde Niagio against the accused applicant alleging forgery of signature and seal. It is alleged that the accused applicant has obtained the death Certificate of Lt. Parsing Niagio on

12.07.2021 from Taliha Sub-Register, who is not the competent authority without the knowledge of the deceased person, family and relatives i.e. the Wife, Sons, Daughters, Cousin Brothers and other closed relatives etc. It is further alleged that the accused applicant has misused the death certificate which has been obtained from death and statistic department at Daporijo for appointment of Gaon Burah. Accordingly, a case was registered being Taliha P.S. Case No. 07/2024 under Section 468 of the Indian Penal Code.

On perusal of the records, it is seen that the accused applicant has accepted that he had issued the Death certificate of Lt. Parsing Niagio. However, considering that the offence alleged relates to forgery, I am of the considered view that the custodial interrogation of the accused applicant would not be required in the present case as the accused applicant has already given his statement before the investigating authority.

Having considered the materials placed on record and also considering the fact that the statement of the accused applicant has already been recorded along with the other witnesses, I deem it appropriate to allow the present petitioner. Accordingly, the interim pre-arrest granted by this Court on 06.11.2024 is hereby made absolute with the same terms and conditions.

Bail application stands allowed and disposed of.

JUDGE

Comparing Assistant