



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

**Case No. : AB/88/2023**

Smti Tomem @ Twinkle Lollen Yomcha  
W/o Shri Damlo Yomcha, R/o Village Yomcha, P.O/P.S Yomcha, West Siang District,  
Arunachal Pradesh.

VERSUS

THE STATE OF AP  
Represented by Public Prosecutor

**Advocate for the Petitioner** : T. Gyatso

**Advocate for the Respondent** : P P of AP

**BEFORE**  
**HONBLE MR. JUSTICE KARDAK ETE**

**ORDER**

**Date : 09.01.2024**

Heard Mr. T. Gyatso, learned counsel for the accused/applicant and also heard Mr. J. Tsering, learned P.P. assisted by Mr. R. L. Thungon, learned counsel for the State respondent.

2. This application, under Section 438 Cr.P.C., 1973, is filed by the accused/applicant, Smti Tomem@ Twinkle Lollen Yomcha, praying for

privilege of pre-arrest bail in connection with Aalo P.S. Case No. 74/2023, under Sections 306/34 of the IPC.

3. An FIR dated 05.12.2023 was lodged by one Smti Yari Ruchi stating that her deceased daughter, namely, Miss Juli Ruchi, aged about 25 years got married to Toni Lollen in and around year 2020 and started living with him and after few months of marriage Toni Lollen started torturing her daughter and on many occasions the matter was resolved amicably in presence of witnesses. Again, in the evening of 04.12.2023, elder sister of deceased, namely, Miss Yapi Ruchi received a phone call from the deceased at around 5:30 PM and the deceased informed that first wife of Toni Lollen has arrived at her residence and forcefully asking the deceased to vacate the house, otherwise the deceased will face dire consequences. Again at around 06:25 PM, second phone call came from deceased to her elder sister stating that elder sister of Toni Lollen has verbally warned her that she would also come to her residence and forcefully remove her from residence and further first Son of Toni Lollen has warned the deceased not to give birth to any male child as it will divide his share in property and if any male child is born, he will kill him. Thereafter, again at around 05:30 PM, first wife of Toni Lollen, had called her brother, namely, Sri Lidu Ruchi warning that he must take back her sister from residence of Toni Lollen, otherwise, she would face dire consequences. Second call from deceased was made to her brother at around 07:30 PM informing that Toni Lollen along has started brutal assault on her and she is injured badly and upon that her brother had advised the deceased not to escalate the matter further and her brother will come next day to solve the matter amicably. At around 01:00 A.M in the morning, she had received a phone call from Police of Aalo Police informing her that her

daughter, namely, Juli Ruchi has been brought dead at General Hospital, Aalo and asked me to come and see the dead body. Upon reaching there, she found her daughter in cloth full of blood and there were Injury marks of brutal assault from upper-back shoulder till abdomen part, bruises on right hand, face and neck and deceased was bleeding from lower abdomen and there were also cut marks on left- toe.

4. Accordingly, an FIR was registered as Aalo P.S. Case No. 74/2023, under Sections 306/34 of the IPC.

5. Mr. Gyatso, learned counsel for the accused/applicant submits that the accused/applicant is the elder sister of the accused Shri Toni Lollen, who is still in custody. The case relates to the death of the wife of the accused Shri Toni Lollen and the allegation against the present accused/applicant is only because she being the elder sister of the accused Shri Toni Lollen had made a telephonic call to the deceased victim asking her to vacate the house and warned her with dire consequences. Mr. Gyatso, learned counsel further submits that the police issued notice to the accused/applicant, under Section 41(A) of Cr.P.C., and accordingly she appeared before the police on 09.12.2023 and her statement has been recorded. The accused/applicant is a school teacher, serving at Aalo and she has been co-operating with the investigating agency and therefore, it is contended that the accused/applicant may be granted pre-arrest bail.

6. Mr. J. Tsering, learned P.P., submits that there is no material against the present accused/applicant. He also confirms that the accused/applicant has appeared before the I/O on a notice under Section 41(A) of Cr.P.C., on 09.12.2023 and her statement has already been recorded. Hence, there is no

requirement of custodial interrogation of the present accused/applicant.

7. Perused the Case Diary.

8. Considering the submission of learned counsels for the parties and also considering that the allegation against the present accused/applicant is only because she being the elder sister of the accused Shri Toni Lollen had made a telephonic call to the deceased victim asking her to vacate the house and warned her with dire consequences as well as the accused/applicant has appeared before the I/O on a notice under Section 41(A) of Cr.P.C., on 09.12.2023 and her statement has already been recorded and she has been co-operating with the investigating agency, this Court deem it appropriate to grant the privilege of pre-arrest bail to the accused/applicant. Accordingly, this Court is inclined to make the interim order dated 14.12.2023, absolute in the same terms and conditions and as such the order dated 14.12.2023 is made absolute in the same terms and conditions.

The Case Dairy be sent back.

**JUDGE**

**Comparing Assistant**