GAHC040017402023

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

Case No. : AB/93/2023

Yukar Taw
S/o Lt. Yukar Tadu, permanent resident of Barapani, Naharlagun, P.O/P.S Naharlagun, Dist. Papum Pare, Arunachal Pradesh. Phone No. 8131980745

VERSUS

THE STATE OF AP
through the Public Prosecutor

Advocate for the Petitioner : B Padung

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 25.01.2024

Heard Mr. V. Jamoh, learned counsel for the petitioner/accused. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

This is an application under Section 438 of the Code of Criminal

Procedure, 1973, for grant of anticipatory bail to the accused/petitioner, namely, **Shri Yurak Taw**, who is apprehending arrest in connection with Papu Hills P.S. Case No. 20/2023, under Sections 326 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel appearing on behalf of the accused/petitioner that after obtaining the order of interim pre-arrest bail on 19.12.2023, the accused had already appeared before the I.O. and co-operated in the investigation of the case and his statement has also been recorded under Section 161 Cr.P.C. Further he submitted that the present FIR is filed as counter FIR as he has already filed the FIR against the informant/complainant and 2(two) others on 09.04.2023 after physical assault on the present petitioner and 2(two) others. However, the accused is still ready to co-operate with the I.O in further investigation of the case and prayed to make the interim pre-arrest bail absolute.

In this context, the learned Additional Public Prosecutor, Mr. T. Ete, has submitted that it is fact that it was a sudden fight between 2(two) groups of people and the present petitioner/accused has already appeared before the I.O. and co-operated in the investigation and at this stage custodial interrogation may not be necessary in further investigation. However, direction may be given to the present petitioner to appear before the investigating officer as and when required.

Having heard the submissions of learned counsels of both sides, I have perused the Case Diary and also gone through the petition and the documents placed on record.

Considering the materials collected so far in the Case Diary and also considering the submissions of learned counsels of both sides, this Court is of the view that custodial interrogation of the accused/petitioner is not necessary in the interest of investigation and accordingly, the interim order passed by this Court vide order dated 19.12.2023, is hereby made absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant