

GAHC040017802024



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

Case No. : BA/132/2024

Smti Heri Yahio Charu
Wife of Shri Charu Akey, permanent resident of Chambang village, PO and PS Palin,
Kra Daadi District, Arunachal Pradesh and presently residing at Papu Nallah, Papum
Pare District, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors
represented by the PP of AP

2:The Officer in Charge
Age: 0
Occupation :
Papu Hill Police Station
Papum Pare District
Arunachal Pradesh.

3:The Investigating Officer
Age: 0
Occupation :
C/o Papu Hill Police Station
Papum Pare District
Arunachal Pradesh

Advocate for the Petitioner : Tar Torum, Nabam Taro

Advocate for the Respondent : P P of AP,

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 23.12.2024

Heard Mr. T. Torum, learned counsel for the applicant. Also Heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 483 of BNSS, 2023, praying for grant of bail to the accused, namely, Shri Charu Akey, in connection with Papu Hill Police Station Case No. 98/2024, under Sections 74/324(4)/118(i)/3(5) read with Section 27/25(9) of Arms Act, who has been arrested on 03.12.2024.

3. An FIR was lodged by one Ms Charu Nargish Kipa, against the accused, namely, Shri Charu Akey, on 02.12.2024, before the Officer-In-Charge, Papu Hill Police Station, Naharlagun to the effect that on 29.11.2024, around 1:15 to 1:30 PM, at Highway near Benjamin Hotel, on roadside she had fight with one Hurrah Yaka Tarh (girlfriend of the accused). When she attempted to attack the informant, in her self-defence, the informant snatched the iron stick from her hand and attack her back. In the midst of the fight, the accused all of a sudden appeared and assaulted her. Thereafter, both Ms. Hurrah Yaka Tarh and the accused assaulted her and the accused has fired bullet from his personal arm (pistol) on the screen of the vehicle and then thereafter, on the front side and back of her vehicle and also tyres of the vehicle and fortunately, she was unharmed. It is also stated that the family of Ms. Hurrah Yaka Tarh are looking for the informant, for which, she feel unsafe.

4. On receipt of the aforesaid FIR, the police has registered the case being Papu Hill Police Station Case No. 98/2024, under Sections 74/324(4)/118(i)/3(5) read with Section 27/25(9) of Arms Act.

5. Mr. Torum, learned counsel for the applicant submits that the present application has been filed by the first wife of the accused, as the incident had happen between second wife and third wife of the accused person. He submits that when the accused person received an information that both the second wife and third wife were having a fight on the road on the Highway, Papu Hill, Naharlagun, he rush to the spot and tried to pacify. However, when the violent act of both the wives have become uncontrollable, the accused was compelled to fire from his pistol to disperse them and to prevent from further escalation. No injuries was caused to the second wife of the accused, however, the third wife of the accused sustain serious injuries as she was mercilessly beaten up by the second wife and had to be admitted to the hospital at Hormin Hospital and thereafter, referred to TRHIMS Hosptial, Naharlagun. He submits that the accused person on being asked by the police has voluntarily deposited the arm and the license.

6. Mr. Torum, learned counsel submits that there is no intension to cause injury by firing from his arm by the accused as it was purely to control the fight between the second wife and the third wife and only to prevent escalation of the fight between them. Therefore, he submits that as the incident had happened in between the second wife and the third wife, the matter is purely of matrimonial dispute. Therefore, he submits that since the petitioner was arrested on 03.12.2024, and the Investigating Officer has recorded the statements of the informant, accused and all other witnesses, and completed the investigation, the accused may be released on bail.

7. Ms. L. Hage, learned Additional Public Prosecutor has produced the Case Diary.

She submits that the Investigating Officer has stated that the investigation with regard to the accused, Shri Charu Akey is completed. However, due to none receipt of MLC report, FSL report and prosecution sanction of the accused person, the investigation is still pending. She submits that the accused, Shri Charu Akey, has admitted that while trying to stop both the second wife and third wife from fighting with each other, he fired a bullet from his pistol on the car of the second wife so as to control them. However, no harm was caused to the informant.

8. Having considered that the investigation has been completed, except none receipt of the MLC report, FSL report and prosecution sanction, coupled with the fact that the incident had happened between the second wife and third wife of the accused, Shri Charu Akey, who is working as Junior Engineer, RWD, Govt. of Arunachal Pradesh and considering that the dispute appears to be purely matrimonial in nature, this Court deem it appropriate to allow this bail application.

9. This Court is of the view that since the investigation is stated to have been completed by the I.O, the accused person, namely, Shri Charu Akey, is entitled to be released on bail. Therefore, the accused, namely, Shri Charu Akey, shall be released on bail on furnishing a bail bond of Rs. 20,000/- (Rupees Twenty thousand) only with one surety of like amount to the satisfaction of the learned JMFC, Yupia, with the following conditions:

- (i)** That the accused shall fully co-operate with the investigation of the case and he shall appear before the Investigation Officer as and when called for;
- (ii)** That the accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Police Officer or tamper with the evidence of the case.

(iii) That the accused shall not pressurize the informant in any manner.

10. This bail application stands allowed and is disposed of.

JUDGE

Comparing Assistant