

GAHC040018042023



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

Case No. : AB/95/2023

Lingdom Kioda
S/o Shri Lingdom Balley, R/o Palin, P.O/P.S Palin, Kra Daadi District, Arunachal Pradesh.

VERSUS

THE STATE OF AP
represented through Public Prosecutor

Advocate for the Petitioner : R Barman

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 08.01.2024

Heard Mr. K. Tama, learned counsel for the applicant/accused. Also heard Mr. G. Tado, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. By filing this application under Section 438 of Cr.P.C, 1973, the applicant/accused has prayed for grant of privilege of pre-arrest bail in connection with Sagalee P.S. Case No. 27/2023, under Sections 354/323/506 IPC, 1860.

3. The allegation as per the FIR is that the accused/applicant, the Organizing Secretary of 7th Nyishi Youth Convention Sagalee, 2023 organised by All Nyishi Students Union (ANSU), had tried to illegally interfere with the informant without any reason. The informant being the cultural in-charge and while carrying out her assigned job, there erupts an argument with the applicant/accused. Thereafter, shockingly the accused/applicant started to beat the informant mercilessly in front of all the judges without any valid reasons.

4. This court on 22.12.2023 called for the Case Diary and granted interim bail which is as under: -

Pending production of the Case Diary, in the event of arrest the accused/applicant shall be released on interim bail on furnishing a bail bond of Rs. 15,000/- (Rupees Fifteen thousand) only with one surety of like amount to the satisfaction of the concerned authority on the following conditions:

- (i) That the accused shall co-operate with the investigation;
- (ii) That the accused shall not hamper or tamper with the evidence and the witnesses;

5. Mr. K. Tama, learned counsel for the accused/applicant submits that the accused/applicant appeared before the Investigating Officer on 26.12.2023 and he is co-operating with the Investigating authority.

6. Mr. G. Tado, learned Additional Public Prosecutor has produced the Case Diary. He fairly submits that there was a heated argument between the informant and the accused/applicant and in the process a simple injury was caused unintentionally.

7. On the perusal of the Case Diary, I find no incriminating materials against the applicant/accused. It is seen that the injury is of simple nature and the accused and the informant had engaged with heated argument and it appears that in the process unintentionally a simple injury was caused to the informant.

8. Considering the above facts and circumstances and no custodial interrogation may be required in the present case, this court is inclined to grant the privilege of pre-arrest bail to the accused/applicant.

9. Accordingly, the interim bail granted on 22.12.2023 is made absolute with the same terms and conditions.

10. With the above observation, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant