

GAHC010061252024



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

Case No. : AB/806/2024

SMTI. JITUMONI MEDAK AND 11 ORS.
W/O SRI JAGADISH MEDAK, R/O UJANI BIJAYPUR, P.S.-JONAI, DIST-
DHEMAJI, ASSAM

2: BIMOLA MEDAK
S/O BINUD MEDAK
R/O UJANI BIJAYPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

3: NUMALESWAR MEDAK
S/ OLATE BISUN MEDAK
R/O BOR CAMP
P.S.-JONAI
DIST-DHEMAJI
ASSAM

4: HITESH MEDAK
S/O KAILASH MEDAK
R/O UJONI BIJAYAPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

5: KAMAL CHON MEDAK
S/O SRI GUGADHAR MEDAK
R/O UJONI BIJAYAPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

6: SHYAMAL MEDAK
S/O SRI BILISING MEDAK

R/O UJONI BIJAYAPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

7: HEMEN MEDAK
S/O PRADIP MEDAK
R/O UJONI BIJAYAPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

8: DC MILI
S/O PUTA MILI
R/O UJONI BIJAYAPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

9: JAGADISH MEDAK
S/O SRI KAILASH MEDAK
R/O UJONI BIJAYAPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

10: PRITAM KUMBANG
S/O RAJESH KUMBANG
R/O UJONI BIJAYAPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

11: SMTI. KAYUM MEDAK
W/O SRI RAJU MEDAK
R/O UJANI BIJOYPUR
P.S.-JONAI
DIST-DHEMAJI
ASSAM

12: NIRON PEGU @ NIRON DOLEY
S/O SRI BIDESWAR PEGU
R/O NUHARJUN
P.O.-JONAI
DIST- DHEMAJI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 03.04.2024

Heard Mr. B. K. Gogoi, learned counsel for the petitioners. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Jonai P.S. Case No. 28/2024, under Sections 120(B)/143/ 147/447/326/307/427 of the Indian Penal Code.

Case Diary has been received. Perused the same and heard both sides.

It is submitted by Mr. Gogoi, learned counsel for the petitioners, that on the day of incident, i.e. on 12.03.2024, there was a meeting of 3 (three) organizations, namely, Takam Mising Poring Kebang (TMPK), Mising Mimag Kebang (MMK) and Takam Mising Mime Kebang (TMMK), regarding arrest of one of the leader. But, subsequently, due to difference in opinion in the members present in the meeting, there was an altercation and subsequently scuffle took place as the members were divided into 2 (two) groups and out of that some of the members sustained minor injuries. But no one has sustained any such kind of injury as mentioned in the F.I.R., nor there was any attempt of committing murder as alleged in the F.I.R. Further he submitted that a talk of compromise is also going on between the members of the organizations. They are ready and willing to co-operate with the I.O. in the further investigation of this case if they are granted with the privilege of pre-arrest bail.

In this context, Mr. R. R. Kaushik, learned Additional Public Prosecutor, has submitted that from the materials available in the Case Diary, it is seen that in the meeting itself, the members formed 2 (two) groups and there was a quarrel and scuffle took place and except one of the victim, other sustained minor injuries. Accordingly, he submitted that considering the materials available in the Case Diary, custodial interrogation may not be necessary in the interest of investigation.

After hearing the submissions of learned counsels for both sides and also

considering the materials available in the Case Diary, I find that custodial interrogation of the present accused/petitioners are not necessary in this case and therefore, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioners.

Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, (i) Smti Jitumoni Medak, (ii) Shri Bimola Medak, (iii) Shri Numaleswar Medak, (iv) Shri Hitesh Medak, (v) Shri Kamal Chon Medak, (vi) Shri Shyamal Medak, (vii) Shri Hemen Medak, (viii) Shri DC Mili, (ix) Shri Jagadish Medak, (x) Pritam Kumbang, (xi) Smti Kayum Medak & (xii) Shri Niron pegu @ Niron Doley, in connection with Jonai P.S. Case No. 28/2024, under Sections 120(B)/143/ 147/447/326/307/427 of the Indian Penal Code, they shall be enlarged on pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioners shall appear before the Investigating Officer of the case within a period of 1 (one) week from today;
- (ii) that the petitioners shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (iii) that the petitioners 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 from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of in terms above.

The Case Diary be sent back.

JUDGE

Comparing Assistant