



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

Case No. : I.A.(Crl.)/12/2024

ATUL BOKRIYA AND 5 ORS
R/O H.NO. 341
NEW RAJINDER NAGAR
NEW DELHI-110060

2: MR. MAHENDRA BOKRIYA
R/O H-341
NEW RAJINDER NAGAR
NEW DELHI-110060

3: MR. AVINASH CHORDIA
R/O H-341
2ND FLOOR
NEAR SATSANG NEW RAJINDER NAGAR
NEW DELHI-110060

4: MR. ARVINDER PAL SINGH
R/O B-291 1ST FLOOR
LOK BIHAR
PITAMPURA
NEW DELHI-110060

5: MR. RAMAN ANAND
R/O H-341
SECTOR 9
ROHINI
NEW DELHI-110060

6: MR. RAHUL MISHRILAL BOTHARA
R/O B-291
1ST FLOOR
LOK BIHAR
PITAMPURA DELHI-110034
VERSUS

THE STATE OF NAGALAND
KOHIMA NAGALAND

Advocate for : MOA JAMIR
Advocate for : P.P
NAGALAND appearing for THE STATE OF NAGALAND

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG
ORDER

Date : 26-04-2024

Heard Mr. Moa Jamir, and Mr. Rishabh Jain, learned counsel for the applicants. Also heard Mr. V. Zhimomi, learned PP for the State of Nagaland.

This application has been filed by the applicants under section 482 of the Code of Criminal Procedure, 1973 praying for staying of the impugned order dated 28.03.2024 passed by the Learned Principal and Sessions Judge, Kohima, Nagaland in I.A/341/2023 in respect of the present applicants namely Atul Bokriya, Mahindra Bokriya, Avinash Chorida, Arvinder Pal Singh, Raman Anand and Rahul Mishrilala Bothara.

The learned counsel for the applicants submits that by an order dated 19.12.2023, the learned Principal and Sessions Judge, Kohima, Nagaland granted anticipatory bail to the above applicants for 45 (forty five) days, on the condition that the applicants shall appear before the I.O of the case within 45 (forty five) days, and that the applicants shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case. Further it was directed that in the event of the accused persons/applicants being arrested in connection with the Kohima North PS case no. 09/2023 under section 120B/417/464/465/499 IPC, they shall be released on execution of bail bond of Rs. 20,000/- (Rupees twenty thousand). By an order dated 02.02.2024, the said interim anticipatory bail was extended till 28.02.2024 on the same terms and conditions, and subsequently on 28.02.2024, it was further extended till 27.03.2024. However, by the impugned order dated 28.03.2024, while extending the said interim anticipatory bail for another 30(thirty) days on the same terms and conditions, the learned Court has directed the applicants to appear and be present before the Court on 29.04.2024 for final hearing. Hence, the applicants filed Crl.Pet No. 12/2024 challenging the said order.

The learned counsel for the applicants submits that by filing this IA, the applicants has a limited prayer for stay of the impugned order or to dispense the appearance of the applicants before the learned court of Principal and Sessions Judge, Kohima, Nagaland on 29.04.2024 for bail hearing. He further submits that the provision under section 438 1 B of the Code of Criminal Procedure which provides for personal appearance at the time of final hearing of the bail petition is not maintainable in law, as the said provision has not yet been brought into force till date.

Mr. V. Zhimomi, learned PP submits that he is yet to receive an instruction in this regard.

Having regards to the contention made in the application and the submission made by the parties, and considering that the matter is fixed on 29.04.2024, after which the application would become infructuous, I am of the opinion that the application can be disposed of. Accordingly, it is provided that the appearance of the accused persons/applicants before the learned Principal and Sessions Judge, Kohima, Nagaland on 29.04.2024 for bail hearing is hereby dispensed with.

With the above, this IA stands disposed of.

Sd/-
JUDGE

Comparing Assistant