

AB 32/2011
BEFORE
THE HON'BLE MR JUSTICE P.K.MUSAHARY

Heard Mr. M. Sarania, learned counsel for the accused-petitioner and also heard Mr. I. Basar, learned Addl. P.P. appearing on behalf of the State of Arunachal Pradesh.

This application for pre-arrest bail has been filed by the accused-petitioner apprehending arrest in connection with Itanagar P.S. Case No.54/2011 registered under Sections 468/471/420/34 IPC.

The case diary, as called for, has been produced today by the learned Addl. P.P.

According to him, the accused petitioner was arrested on 16-03-2011 at 12.30 hours from Guwahati while he was entering an ATM Booth. The police took him into the custody but on way to proceeding to Itanagar he complained of having chest pain and he was taken to Guwahati Medical College Hospital by Police. When the police accompanying the accused were busy for completing the formalities for his admission in the GMC Hospital at Guwahati, the accused-petitioner, on the pretext to going to toilet, escaped and he remained untraced. In this regard an FIR was lodged with the Bhangagarh Police Station, Guwahati, which has been registered as FIR No.69 dated 17-03-2011 and GD No.715 under Section 224 IPC.

From the case diary, it is found that the accused-petitioner was once under the custody of the police and as such, in my considered view, anticipatory bail petition would not lie.

Accordingly, this petition stands rejected.

However, the accused-petitioner may surrender before the learned Chief Judicial Magistrate, Capital Complex, Itanagar within a period of 14 days, if so advised and file an application for regular bail, which may be considered and disposed of in accordance with law.