

AB 72/2018  
BEFORE  
HON'BLE MR. JUSTICE AJIT BORTHAKUR

Heard Mr. T. Torum, learned counsel for the petitioner and Ms. M. Tang, learned Addl. Public Prosecutor, Arunachal Pradesh.

By this petition under Section 438 Cr.P.C., the petitioner, namely, Debia Tadan has prayed for grant of anticipatory bail, apprehending his arrest in connection with Itanagar P.S. Case No. 114/2018 under Sections 447/427/34 IPC read with Section 3 of the PDPP Act.

The Case Diary, as called for, is placed before the Court.

Mr. Torum, learned counsel for the petitioner, submits that on the date of the alleged occurrence of demolishing of two govt. quarters, the petitioner was away at Yachuli along with his wife, who is the principal of Calvary School NBCC at Yachuli. Mr. Torum further submits that the petitioner's private plot of land is situated adjacently behind the govt. quarter in question and he has been constructing his muti-storied RCC building for the last 3 years over his land, without any objection whatsoever from any corner. According to Mr. Torum taking advantage of the petitioner's absence from the place of occurrence, some unknown miscreants demolished the quarter and as such, the petitioner may be granted the privilege of pre-arrest bail on any condition.

Ms. M. Tang, learned Addl. Public Prosecutor, submits that there is incriminating prima facie direct evidence against the petitioner. Ms. Tang further submits that the Case Diary reveals that the petitioner, who is an adjacent resident to the Govt. Quarter in question, dismantled the quarter by engaging JCB and disposed of all debris and carried out construction of RCC double storied building just behind it. Ms. Tang also submits that the investigating Officer reported that demolition took place in respect of two Type-I govt. quarters without the knowledge of the authority concerned and therefore, custodial interrogation of the petitioner in the interest of investigation, cannot be avoided.

Perused the Case Diary.

On perusal of the Case Diary and hearing as above, it appears that there is abundance of incriminating prima facie evidence against the petitioner. The investigation is yet to be completed.

In view of the above, this Court finds it not a fit case to grant the privilege of pre-arrest bail to the petitioner and accordingly, stands rejected.

Return the Case Diary to the learned Addl. Public Prosecutor, Arunachal Pradesh. With the above direction, this bail application stands disposed of.