

AB 75/2018  
BEFORE  
HON'BLE MR. JUSTICE AJIT BORTHAKUR

Heard Mr. T. Topu, learned counsel appearing 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, Shri Teri Khoda has prayed for granting the privilege of pre-arrest bail, apprehending his arrest, in connection with Doimukh P.S. Case No. 19/2018 under Section 447 IPC, read with Section 3 of the PDPP Act.

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

Mr. T. Topu, learned counsel for the petitioner, submits that the petitioner was not involved in the alleged occurrence of causing damage to the Govt. Quarter, located adjacent to the petitioner's plot of land at Doimukh, was in a pathetic condition, without human habitation for many years and on 16/17.05.2018, it got collapsed itself automatically and remained unattended by the authority concerned, which was duly ascertained by the police during investigation.

Ms. M. Tang, learned Addl. Public Prosecutor, Arunachal Pradesh, submits that perusal of the Case Diary reveals abundance of prima facie incriminating evidence against the petitioner and others.

It may be mentioned that by order, dated 21.06.2018, this Court granted interim pre-arrest bail to the petitioner and in terms of the conditions of the said interim order, he has given his statement under Section 161 Cr.P.C. The investigation has substantially progressed and therefore, this Court finds that the petitioner's custodial interrogation may not be warranted.

Accordingly, the interim pre-arrest bail granted vide order, dated 21.06.2018, is hereby made absolute, subject. of course, to the following conditions:-

- (a) that the petitioner shall co-operate with the investigation of the case as and when required;
- (b) that the petitioner 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 Police Officer or tamper with the evidence of the case.

With the above direction, the bail application stands disposed of.

Return the Case Diary to the learned Addl. Public Prosecutor, Arunachal Pradesh.