

GAHC040005372024



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

Case No. : AB/76/2024

Taru Byaling
Son of Shri Takio Byaling, resident of Nacho Village, PO and PS Nacho, Upper Subansiri District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Duge Soki

Advocate for the Respondent : P P of AP

**BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER**

30.04.2024

Heard Mr. Duge Soki, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Addl. PP for the State respondent.

2. This is an application under Section 438 of CrPC, 1973 for granting Anticipatory Bail for the accused person in connection with Nacho PS Case No. 02/2024 registered under Section 452/448/427/34 IPC r/w Section 3 of

Prevention of Damage to Public Property Act, 1984 and Sections 131/135A of Representation of People Act.

3. The facts of the prosecution case is that the three persons namely, i) Sh. Takong Kyamdo ii) Sh. Taru Byaling and iii) unknown came to the 22-Dingser Polling Station and totally damaged and destroyed poll used EVM of balloting unit and VVPAT of both Assembly and Parliament at around 4:30 pm. Accordingly, a case has been registered.

4. Mr. D. Soki, learned counsel for the petitioner submits that the petitioner is totally innocent and has no role to play in the offence alleged.

5. Mr. T. Ete, learned Addl. PP, Arunachal Pradesh submits that in the Case Diary received by him, except the presence of the petitioner at the place of occurrence, no other adverse materials is collected by the Investigating Officer against the petitioner as of now.

6. I have heard the submissions at the bar and I have perused the materials available on record.

7. It appears that the investigation is going on.

8. It further appears that no adverse materials have been collected against the petitioner at this stage by the Investigating Officer. As such, this Court is of the considered view that custodial interrogation of the petitioner may not be justified for the ongoing investigation.

9. Accordingly, this Court is inclined to grant Anticipatory Bail to the petitioner.

10. Considering the facts and circumstances of the case, it is provided that in the event of arrest, the petitioner named above, shall be released on interim pre-arrest

bail in connection with the above noted case, on furnishing bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:-

- i) That the petitioner shall appear before the Investigating Officer within 10 days, failing which on and from the 11th day, the interim-pre arrest bail order shall have no force;
- ii) The petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- iii) 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 Court or to any Police Officer; and
- iv) The petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the aforesaid observation, the Anticipatory Bail Application stands allowed.

JUDGE

Comparing Assistant