GAHC040021112025

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

Case No. : BA/167/2025

Nyitebir Taring
S/o Shri Taring Bagab, R/o Restaring, Kra Daadi District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Rajesh Sonar, Binny Nyaruce,R Taku,Michi Khambo,Nipun Mudgal

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

23.12.2025

Heard Mr. S. Paliwal, learned counsel for the applicant. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant seeking the release of the accused, namely Shri Charu Jaji, who has been arrested in connection with Palin P.S. Case No. 22/2025 under Section 223 of the BNS *read with* Section 30 of the Arms Act, 1959 and Sections 134(B)/125 of the Representation of the People Act, 1951.

3. It is submitted by the learned counsel for the applicant that the offence registered against the accused is bailable in nature. However, the learned Judicial Magistrate First Class, Palin by an order dated 19.12.2025 has rejected the bail application filed by the applicant on the ground that the investigation of the case is at a nascent stage.

4. Mr. Paliwal, learned counsel for the applicant, submits that a person accused of a bailable offence is entitled to be released on bail pending trial/investigation. In support of his submission, he relied upon the decision of the Hon'ble Supreme Court in **Vaman Narain Ghiya vs. State of Rajasthan**, reported in **(2009) 2 SCC 281**, wherein it has been held that "*in the case of a bailable offence, a police officer has no discretion to refuse bail if the accused is prepared to furnish surety. The Magistrate gets jurisdiction to grant bail during the course of investigation when the accused is produced before him. In a*

bailable offence, there is no question of discretion in granting bail. The only choice of the Court is whether to take a simple recognizance of the principal offender or to demand security with surety".

5. He further submits that the accused is ready to furnish surety and is willing to abide by any terms and conditions imposed for his release.

6. On the other hand, Ms. Hage, learned Additional Public Prosecutor, referring to the Status Report, fairly submits that the offences under Section 125 of the Representation of the People Act, 1951 is not attracted in the instant case. It is further submitted that the investigation of the case is almost completed. On instructions, she further submits that since the examination of most of the witnesses, including the witnesses and the accused person, has been completed, thus no further custodial interrogation of the accused is required. However, she submits that in the event of granting bail, strict conditions may be imposed upon the accused to ensure his cooperation for the further investigation of the case.

7. On perusal of the Case Diary and in view of the submissions made by the learned counsel for the parties, this Court is of the view that since the weapon allegedly carried by the accused has already been seized and the investigation of the case is substantially progressed; therefore, no further custodial interrogation of the accused is necessary and continued detention of the accused is not warranted.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only with two sureties of like amount to the satisfaction of the learned Judicial Magistrate First Class, Palin, the accused person, namely

Shri Charu Jaji, shall be enlarged on bail, subject to the following conditions:

(i) that the accused shall make himself available for further investigation of the case before the Investigating Officer as and when required;

(ii) that the accused 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

(iii) that the petitioner shall not leave the jurisdiction of the court of learned Judicial Magistrate First Class, Palin, without prior permission.

9. Any violation of the above bail conditions shall entail cancellation of bail.

10. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant