GAHC040002092026

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

Case No. : AB/10/2026

Smti Yari Nabam Wife of Shri Takum Nabam, A1 Village, PO and PS Seijosa, Pakke Kessang District, Arunachal Pradesh.

VERSUS

The State of AP represented by the PP of AP

Advocate for the Petitioner : T T Tara, Pondit Ronya,Taba Tokur,Khoda Apa,Gamken Bam
Advocate for the Respondent : P P of AP, Dejum Tally,Techi Topu,Jambey Tsering Kee

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 23.02.2026

Heard Mr. Tadup Tana Tara, learned counsel for the accused applicant. Also heard Mr. Duksor Loyi, learned P.P., Arunachal Pradesh, appearing on behalf of the State respondent No. 1; and Mr. Jambey Tsering Kee, learned counsel for the respondent No. 2, assisting the learned Public Prosecutor, Arunachal Pradesh.

2. By an order dated 13.02.2026, while calling for the scanned copies of the First Information Report(FIR) as well as the CD; the accused applicant was granted interim pre-arrest bail by this Court directing that in the event of her arrest in connection with Seijosa P.S. Case No. 01/2026 registered u/ss. 136(2)/74/132/189(2)/324(3)/351(2) of the Bharatiya Nyaya Sanhita(BNS),

2023; she shall be released on interim pre-arrest bail on execution of a bail bond of Rs. 50,000/- with the conditions, amongst others, that she shall cooperate and appear before the investigating officer as and when called for in connection with the aforesaid case.

3. Mr. Tara, learned counsel for the accused applicant, submits that after obtaining interim pre-arrest bail, the applicant appeared before the investigating officer on 14.02.2026. Upon such appearance, the investigating officer arrested the accused applicant in connection with the aforesaid Police Station case, recorded her statement and after completion of all formalities; she was released on interim pre-arrest bail on the strength of this Court's order dated 13.02.2026. He further submits that since the accused has already been released on bail; and cooperating with the investigation of the case, and there is no any allegation of violation of any of the bail conditions by the accused applicant, the bail granted to the accused applicant may be made absolute.

4. The learned Public Prosecutor, Arunachal Pradesh, while referring to the Case Diary, submits that on her appearance before the police, the accused applicant was arrested, her police statement was recorded and subsequently after completion of necessary formalities the accused was released on bail as per the interim anticipatory bail granted by this Court. Thus, he submitted that the accused according to the IO of the case is cooperating with the investigation of the case. The learned public prosecutor further fairly submits that the IO of the case has not made any prayer for custodial interrogation of the accused. In absence of such prayer, he further submits that he has no objection if the interim pre-arrest bail granted to the accused applicant, is made absolute by imposing additional stringent conditions to ensure her cooperation to the further investigation of the case.

5. Mr. Kee, learned counsel for the respondent No. 2, assisting the learned Public Prosecutor, Arunachal Pradesh submits that on 11.02.2026, while the informant/victim and 2(two) other officials, were performing their public duty, they were intercepted and physically assaulted by the accused person along with a mob of 30-40 people. Out of those people, the informant/victim could identify 5(five) persons whose names are mentioned in the First Information Report(FIR) and since there was an assault by the accused applicant on the person on duty without any reason; therefore, the custodial interrogation of the accused person would be necessary to ascertain the truth of the case; he, accordingly, prays for rejection of the pre-arrest bail.

6. I have heard the submissions advanced by the learned counsels for the parties and also perused the record.

7. It is seen that vide order dated 13.02.2026, this Court granted interim pre-arrest bail to the accused with certain conditions and in pursuance of the conditions to cooperate the investigation; the accused applicant appeared before the investigating officer who then had arrested the accused. After arrest, the accused was subsequently released on interim pre-arrest bail on the strength of the order dated 13.02.2026.

8. The CD reveals that the investigating officer has already recorded the statement of the accused as well as the informant/victims; however, he has neither made any prayer for custodial interrogation of the accused, nor, had indicated requiring custodial remand of the accused person. The investigating officer only stated that the accused is cooperating with the investigation of the case. In absence of any prayer for custodial interrogation, this Court is of the opinion that the custodial interrogation/remand of the accused applicant may no longer be required. In view of the above, the accused applicant deserved to be

extended with the privilege of pre-arrest bail.

9. Accordingly, the interim pre-arrest bail granted to the accused applicant on 13.02.2026, is hereby made absolute on the same bail bond and surety, subject, however, to the following terms and conditions:

(i). That the accused shall continue cooperating with the IO of the case for further investigation of the case;

(ii). That the accused shall appear before the investigating officer everyday in between 10 am to 11 am for a continuous period of 5 (five) days w.e.f. 24.02.2026; and

(iii). That the accused shall also not, directly or indirectly, make any threat, inducement, or, promise to any person acquainted with the facts of the case including the informant, the victims and the eye-witnesses.

10. This order shall be read along with the earlier bail order, dated 13.02.2026.

11. With the above directions, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant