

GAHC040015902025



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

Case No. : AB/152/2025

Eho Linggi
Son of Shri Ingori Linggi, resident of Simari-I, PO and PS Roing, Lower Dibang
Valley District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the Special PP (SIT)

Advocate for the Petitioner : Lissing Perme, Toge Rolley, T Tagam, Signal Yirang, Tabung Nonang, A Kiri, A Perme

Advocate for the Respondent : Loma Kurdu,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 22-09-2025

Heard Mr. L. Perme, learned counsel for the petitioner. Also heard Mr. L. Kurdu, learned Public Prosecutor for the SIT.

2. By filing this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the accused petitioner is seeking pre-arrest bail, apprehending his arrest in connection with (i) Roing P.S. Case No. 41/2025

under Sections 61(2)/117(4)/191(2) of BNS, 2023 read with Section 3 of the Prevention of Damage of Public Property (PDPP) Act, 1984 and (ii) Roing P.S. Case No.42/2025 under Section 103(1)/103(2)/132/61(2)/333/190/191(2)/191(2) of the BNS, 2023 read with Section 3 of the PDPP Act, 1984.

3. The allegation against the accused is that he along with others led the mob of about 500-600 persons and forcefully entered the police station damaging the furniture and other properties including CCTV of the police station, forcibly took out the accused (victim) from the police custody and had him mob lynched resulting his death. The victim was taken to nearest hospital, but the mob led by the petitioner and others followed, where they have also vandalised the hospital properties. The FIR in this regard has been lodged by the Inspector of the said police station and registered being (i) Roing P.S. Case No. 41/2025 under Sections 61(2)/117(4)/191(2) of BNS, 2023 read with Section 3 of the Prevention of Damage of Public Property (PDPP) Act, 1984 and (ii) Roing P.S. Case No.42/2025 under Section 103(1)/103(2)/132/61(2)/333/190/191(2)/191(2) of the BNS, 2023 read with Section 3 of the PDPP Act, 1984.

4. The learned counsel for the petitioner submits that the petitioner is innocent of the allegation, he has been falsely implicated inasmuch as he went to the police station on that day in connection with some other case when the alleged incident took place and there is no any allegation of the accused person being destroyed the public property and removed the CCTV DVR etc. The petitioner is ready and willing to furnish adequate bail bond and cooperate and abide by any terms and conditions imposed by the Court.

5. The learned Special Public Prosecutor referring to the record submits that subsequently, the mob led by the accused person and 20 others had lynched

the victim (arrested accused in another case) leading to his death. After death of the deceased, the Inspector of the concerned police station lodged the second FIR whereby; he has also given the name of the other co-accused persons and also stated that the victim/accused had been lynched to death. The Special Public Prosecutor strongly objects to the grant of anticipatory bail in view of the gravity of the offence and the role attributed to the accused petitioner.

6. Heard the learned counsel for the parties and also perused the material available on record.

7. The record reveals direct allegation against the petitioner of leading the mob along with others and participating in the act of violence, destruction of public property, and removal of CCTV DVR etc.

8. Considering the nature and seriousness of the allegations against the accused applicant, the alleged role of the accused petitioner in leading a large mob to the police station along with other co-accused persons, vandalising the police station, destruction of the public property including the furniture, taking out of CCTV and DVR and also considering the incriminating materials found against him corroborated by the statement of the witnesses, this Court is of the opinion that custodial interrogation of the accused petitioner would be necessary for effective investigation of the case. Thus, grant of anticipatory bail in such circumstances is likely to hamper the proper investigation of the case.

9. Accordingly, the prayer for anticipatory bail stands rejected.

JUDGE

Comparing Assistant