

GAHC040018532025



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

Case No. : Crl.Petn./253/2025

Tagom Yekar , aged bout 49 years

Son of Taluk Yekar, permanent resident of Daporijo, Sikar-II, Upper Subansiri
District, Arunachal Pradesh 791122 and presently residing at Lekki Village, Papum
Pare District, Arunachal Pradesh.

VERSUS

1. The State of Arunachal Pradesh through the Special PP of SIT

2:Talo Potom, IAS

Son of Late Tago Potom

resident of Near Itafort

Itanagar

PO and PS Itanagar

Papum Pare District

Arunachal Pradesh

Advocate for the Petitioner : P. Yobin, Taja Garam, Gujusa Yobin,Mitem Ratan

Advocate for the Respondent : Loma Kurdu, Spl.PP (SIT), Uttam Bori Legal Aid Counsel for the
respondent No.2.

**BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

Date : Dated: 22.01.2026

Heard Mr. P. Yobin, learned counsel for the petitioner. Also heard Mr. L. Kurdu, learned Special Public Prosecutor for the Special Investigation Team (SIT) representing respondent No.1 and Mr. U. Bori, learned legal aid counsel for the respondent No.2.

2. The present criminal petition under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been filed by the petitioner, who is the father of the deceased, praying for quashing of the regular bail granted to respondent No.2 by the impugned order dated 04.11.2025, passed by the learned District and Sessions Judge, Yupia, in NRJ P.S. Case No. 92/2025.

3. Mr. Yobin, learned counsel for the petitioner, submits that an FIR was lodged on 24.10.2025 at Nirjuli Police Station, Papum Pare District, by the petitioner, who is the father of late Gomchu Yekar, who committed suicide on 23.10.2025 at his rented house in Lekhi Village. It is stated that the deceased had left behind suicide notes disclosing systematic mental harassment, sexual exploitation, corruption-related activities, and exposure to HIV/AIDS by the accused persons. It is further stated that one of the co-accused, late Likwang Lowang, committed suicide before he could be apprehended by the Investigating Agency, whereas the present respondent No. 2 was arrested on 27.10.2025.

4. It is stated that interestingly, the respondent No.2/accused was never sent to police custody; instead, immediately after his arrest, he was remanded to

judicial custody and was enlarged on bail by the impugned order dated 04.11.2025 within 7 (seven) days of his arrest.

5. The petitioner herein has challenged the impugned order dated 04.11.2025 on the ground that the gravity of the offence was ignored at the time of grant of bail, more so, when the offence involved abetment of suicide of a young person by a senior public servant like the present respondent No.2. In fact, the learned counsel for the petitioner submits that the learned Court below even went into the merits of the case, discrediting the suicide notes, and did not give an opportunity to the SIT to investigate the matter fully, despite the fact that the prosecution had objected to the bail application on the ground that the investigation was at an initial stage and that custodial interrogation of the accused/respondent No. 2 was required.

6. Another ground taken by the petitioner is that the learned Court below failed to consider that there was a *prima facie* case against the respondent No.2, as a dying declaration can be oral or written, and in the present case, the deceased had clearly mentioned in his suicide notes that the respondent No.2 was responsible for his untimely death.

7. The learned counsel for the petitioner submits that the SIT, through the Special Public Prosecutor had objected to the bail application stating that there were deleted WhatsApp chats and voice messages exchanged between the deceased and respondent No.2 through multiple phone numbers, and that the devices are still under examination by the Forensic Laboratory. It was submitted that the suicide notes had also been sent to the Forensic Laboratory for analysis. Learned counsel further submits that the learned Trial Court, in the

impugned order dated 04.11.2025, even came to the conclusion that the deceased was suffering from unbalanced mental health, without any evidence or material to arrive at such a finding, and that such a finding at the stage of bail is perverse. It is submitted that there were no materials before the learned Trial Court and no necessity to arrive at such a finding at the stage of bail.

8. The learned counsel for the petitioner has relied on the case of ***State of Karnataka Vs. Sri Darshan***, reported in ***2025 SCC Online SC 1702***, wherein the Hon'ble Apex Court stated that an appellate court is empowered to set aside a bail order if it is found to be based on a misapplication of legal principles or where relevant considerations have been ignored.

9. Learned counsel has also referred to the case of ***Puran v. State of Maharashtra & Anr.***, reported in ***(2001) 6 SCC 338***, as well as the case of ***Jai Bhunisha v. Meherban & Anr.***, reported in ***(2022) 5 SCC 465***.

10. Relying on the abovementioned cases, the learned counsel submits that the concept of setting aside an illegal or perverse bail order is entirely different from the concept of cancelling bail on the ground that the accused has violated the conditions of bail or on account of some new facts requiring such cancellation. Learned counsel, therefore, submits that in the present case, the impugned order dated 04.11.2025 is illegal and perverse, as the learned Trial Court has passed the impugned bail order without considering the relevant materials and has granted the same without proper application of mind. It is, therefore, prayed that the impugned bail order dated 04.11.2025 may be set aside and quashed in the interest of justice.

11. The learned Special Public Prosecutor submits that the SIT had vehemently objected during the bail hearing before the learned Trial Court. He submits that due to a law-and-order situation, respondent No. 2 could not be taken into police custody and, therefore, was sent to judicial custody immediately after his arrest. The learned Special Public Prosecutor further submits that the updated Case Diary has been received, and he has taken this Court to the report received from the FSL, wherein it has been indicated that the writings on the 4 (four) page suicide notes are in the handwriting of the deceased, late Gomchu Yekar, and that the signatures on the suicide notes are also found to be the same as the signatures found on the admitted documents of the deceased. The learned Special Public Prosecutor further submits that the Investigating Agency was not given an opportunity to have custody of respondent No.2 during the investigation due to law-and-order problems and, therefore, submits that he has no objection to the present cancellation application.

12. Notice upon respondent No.2 was duly served. However, none appeared on his behalf. Therefore, a legal aid counsel, Mr. U. Bori, was appointed by the Court to represent the respondent No. 2.

13. The learned legal aid counsel, Mr. Bori submits that since the present application pertains purely to the legality of the impugned order dated 04.11.2025 and is not based on any alleged violation of the bail conditions or the conduct of respondent No. 2, he has no submissions to make and leaves the matter to the discretion of the Court.

14. This Court has given due consideration to the submissions of the learned

counsel for the parties and has also perused the records in detail, including the Case Diary produced by the learned Special Public Prosecutor.

15. It is settled law that very cogent and overwhelming circumstances are required to cancel bail once it has been granted. Unless there is a violation of the bail conditions imposed by the Court, or the accused has committed similar or other serious offences while on bail, or is evading trial or absconding, the Court would ordinarily not consider an application for cancellation of bail. However, it is also settled law that there are two (2) situations in which an application for cancellation of bail can be considered. It is laid down by the Hon'ble Supreme Court in the case of ***Puran Vrs State of Maharashtra*** (supra), that the concept of setting aside an unjustified, illegal, or perverse order is entirely different from the concept of cancelling bail on the ground that the accused has violated bail conditions, misconducted himself, or where new facts have arisen.

16. What emerges from ***Puran Vrs State of Maharashtra*** (supra) is that cancellation of bail can be sought when: (i) the accused has violated bail conditions, misconducted himself, or where new facts have arisen or (ii) quashing can be sought when the bail order is unjustified, illegal, or perverse. The present case is one where quashing of bail is sought on the ground that the bail order dated 04.11.2025 is perverse and not cancellation on the ground that the accused has violated the bail conditions. Accordingly, this Court has minutely perused the impugned bail order dated 04.11.2025.

17. The basic principles in bail jurisprudence to be considered by the Court is: (i) seriousness of the offence; (ii) whether there are reasonable grounds to

believe the accused is involved; (iii) court should not conduct a mini trial; (iv) position of the accused/possible influence over witnesses; (v) stage of investigation; and (vi) balancing liberty with interest of justice.

18. It is an admitted fact that the accused/respondent No.2 was arrested on 27.10.2025 after evading arrest for a few days and was immediately remanded to judicial custody. Thereafter, after seven (7) days, a bail application was moved, and the impugned bail order was passed on 04.11.2025. During the bail hearing, the prosecution had vehemently objected to the grant of bail on the ground that the case was serious in nature, that the investigation was still at a nascent stage, and that custodial detention of the accused was required. The prosecution also submitted that many more witnesses were yet to be examined and that there were discrepancies in the statements given by the accused. It was further stated that the accused had used different phone numbers to contact the deceased and that the SIT required time to collect the Call Detail Records (CDRs) of the said phone numbers used by the accused. The learned Special Public Prosecutor also submitted that several WhatsApp chats and voice messages exchanged between the accused and the deceased had been deleted by the accused and, accordingly, the SIT had forwarded the handsets of both the accused and the deceased for FSL examination in order to retrieve the deleted WhatsApp chats and voice messages which were still awaited. It was further submitted that the investigation of the case would be derailed if the accused were released on bail, as he is not an ordinary public but an IAS officer, and there is every possibility that his release on bail would hamper the investigation of the case.

19. It is observed by this court that the learned Court below entered into

the merits of the case while considering the bail application and conducted a 'mini trial'. The learned Court below even came to a conclusion in the impugned bail order that the deceased suffered from mental imbalance. In spite of the fact that suicide notes had been recovered and sent to the FSL and the FSL report had not been received at the time when the bail application was taken up, this factor was not taken into consideration by the learned Court below. The learned Court also failed to consider that such suicide notes named the accused/respondent 2 and therefore constituted material *prima facie* evidence against the accused and could not have been dismissed so lightly at the stage of bail. The learned Court below further failed to take into consideration the fact that the Investigating Agency had not been given an opportunity to take respondent No.2 into custody for investigation, as he was sent to judicial custody immediately upon his arrest.

20. Upon going through the impugned bail order dated 04.11.2025, and the Case Diary, this Court is of the view that relevant materials were totally ignored by the learned Trial Court and the findings recorded therein are contrary to the settled principles of law governing the grant of bail. The learned Trial Court completely failed to take into account the pertinent factors that (i) the offence had shocked the collective conscience of the society; (ii) *prima facie* case was present against the accused; (iii) accused was an influential person; (iv) investigation was at a crucial and nascent stage as accused had been arrested only 7 (seven) days earlier; (v) key witnesses were yet to be examined; and (vi) presumption of innocence has to be balanced with the interest of justice.

21. No doubt, cancellation of bail granted by a Court cannot be permitted in a routine manner. However, the law does permit quashing of a bail order that is

unjustified, perverse, or passed without taking into consideration material facts, as held in ***State of Karnataka v. Shri Darshan*** (supra). The distinction between quashing of bail orders on the ground of perversity and cancellation of bail on account of post-bail misconduct must be clearly understood and applied. In the present case, this Court is of the opinion that the learned Trial Court completely ignored relevant materials necessitating further custody of the accused and granted bail without proper application of mind. The release of an influential person like the respondent No.2/accused at such a nascent stage of the investigation, when there was a clear *prima facie* case against him would have derailed the entire investigation process.

22. In view of the observations made hereinabove, the instant petition is allowed and the impugned bail order dated 04.11.2025 is hereby quashed and set aside.

23. It is further directed that the respondent No.2/accused shall be taken into custody, forthwith. It goes without saying that the respondent No.2 is at liberty to file a fresh application for bail before the Trial Court, if so advised.

The petition stands disposed of accordingly.

JUDGE

Comparing Assistant