

GAHC010134792022



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

Case No : I.A.(Crl.)/488/2023

JINTU SENSUWA @ JINTU SENSUA AND ANR
S/O LATE KUKAI SENSUA

2: RINA SENSUWA @ RINA SENSUA
BOTH ARE R/O KESUWANI
P.O.- PALENGI
P.S.- DEMOW
DIST.- SIVASAGAR
ASSAM.
VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE P.P.
ASSAM.

2:ANIL NATH
S/O LATE KAMAL NATH
R/O MAJULI
P.O. AND P.S.- GARHMUR
DIST.- MAJULI
ASSAM

Advocate for : MS. P BORAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

Case No. : Crl.A./208/2023

JINTU SENSUWA @ JINTU SENSUA AND ANR
S/O LATE KUKAI SENSUA, R/O KESUWANI, P.O.- PALENGI,
P.S.- DEMOW, DIST.- SIVASAGAR, ASSAM.

2: RINA SENSUWA @ RINA SENSUA
W/O LATE KUKAI SENSUA
R/O KESUWANI
P.O.- PALENGI
P.S.- DEMOW
DIST.- SIVASAGAR
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
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2:ANIL NATH
S/O LATE KAMAL NATH
R/O MAJULI
P.O. AND P.S.- GARHMUR
DIST.- MAJULI
ASSA

Advocate for the Petitioner : MS. P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

18.09.2023

Heard Ms. P. Borah, learned counsel for the applicants. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 389 of the Code of Criminal Procedure, 1973 praying for allowing the accused/applicants to go on bail and also for suspension of the impugned judgment and Judgment and Order dated 16.03.2022 passed by the Addl. Sessions Judge, Sivasagar in Sessions Case No. 34(S-S)/2013 convicting and sentencing the appellants/applicants namely Sri

Jintu Sensuwa and Smti. Rina Sensuwa under Sections 306/34 of I.P.C. to rigorous imprisonment for 5 (five) years and also to pay a fine of Rs. 10,000/- (Rupees Ten Thousand) and in default rigorous imprisonment for 6 (six) months.

The connected appeal has already been admitted.

Perused the testimonies of witnesses recorded during the trial. From the materials and the deposition, this Court though finds that there were quarrels between the husband/appellant No. 1 and the victim, however, this Court is of a prima facie view subject to a detailed hearing, the intention of the accused to aid or instigate or to abet the deceased to commit suicide is not available from the testimonies of the witnesses.

There is no specific incident available or narrated by the PWs, and / or of any direct or indirect act of incitement to the commission of suicide. All the allegations as seen are that the husband and wife used to quarrel with each other.

Considering the matter in entirety, this Court is of the view that the applicants have been able to make out a case for grant of bail to them during the pendency of the connected appeal.

Accordingly, the applicants, namely, **(1) Sri Jintu Sensuwa @ Jintu Sensua and (2) Smti. Rina Sensuwa @ Rina Sensua** are allowed to go on bail on furnishing bail bond of Rs. 50,000/- each to the satisfaction of the learned Additional Session Judge, Sivasagar in connection with Sessions Case No. 34(S-S)/2023.

While parting with the record, it is made clear that the observation made in the present order is only for the purpose of the determination of the present application for bail and same shall not be construed to be a finding on merit of the matter so far relating to the appeal.

This Interlocutory Application (CrI) stands disposed of.

JUDGE

Comparing Assistant