

GAHC010003332023



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

Case No. : Bail Appln./83/2023

ANJU DAS
W/O SHRI GAUTAM DAS
VILL- BALIATI GAON, P.S. PULIBOR
DIST. JORHAT, ASSAM
PIN CODE- 785703

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A MANNAF

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 19-01-2023

Heard Mr. A. Mannaf, learned counsel for the accused-petitioner and Mr. B. Sharma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973, the accused-petitioner viz. Smti. Anju Das has prayed for his release on bail in connection with Pulibor Police Station Case no. 568/2021, registered for the offences under Sections 384/326/294/506/354A/448/352/427/307, Indian Penal Code [IPC].

3. The accused-petitioner was arrested and produced before the Court of learned Chief Judicial Magistrate, Jorhat on 28.11.2022 and on being so produced, she was remanded to custody. As on date, the accused-petitioner is in custody for 53 days.

4. In the First Information Report [FIR], the informant, who is a neighbour of the accused-petitioner, has mentioned several incidents which had allegedly occurred from the period from 21.09.2021 to 07.11.2021. As per the FIR, the accused-petitioner and her husband came to the informant's house on 21.09.2022 in order to obtain signature of her husband on a deed relating to a plot of land and when the informant's husband refused to subscribe his signature on the deed, he was assaulted by the accused-petitioner and her husband. The allegations are made also to the effect that the daughter of the informant is being harassed by the accused-petitioner and her family members by labeling scurrilous allegations about her. The informant has further alleged that her family members are being threatened by the accused-petitioner from time to time.

5. Learned Additional Public Prosecutor has submitted that the concerned case diary, as called for by order dated 09.01.2023, has not yet been received. The case papers contains an order dated 12.12.2022 passed by the Court of learned Sub-Divisional Judicial Magistrate [S], Jorhat in a bail application

preferred by the accused-petitioner. The order has reflected that the medical report as regard injury sustained by the husband of the informant was part of the case diary produced before the said learned court and the medical report suggested that the injury sustained was, though serious, simple in nature.

6. Having regard to the nature of allegations made in the FIR; considering the fact that the injured sustained simple injury; and that the accused-petitioner had undergone 53 days in custody since 28.11.2022, I am of the considered view that custodial detention of the accused-petitioner for any further period for the purpose of carrying out further investigation appears not necessary and if the accused-petitioner is released on bail, at this stage of investigation, further investigation of the case is not likely to be prejudicially affected, provided the accused-petitioner continues to extend her assistance and cooperation in the further investigation of the case.

7. Accordingly, the accused-petitioner is allowed to be enlarged on bail on furnishing a bail bond of Rs. 25,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Jorhat, subject to the following conditions :-

[1] The accused-petitioner shall cooperate with the investigation and shall thereafter, make herself available as and when her presence is required by the I.O. in the investigation of the case;

[2] The accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness 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

[3] The accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

This application stands disposed of in the afore-mentioned terms.

JUDGE

Comparing Assistant