

GAHC010020452023



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

Case No. : AB/304/2023

ZUAL PARAMANIK @ JUYEL PORAMANIK
S/O- ABUL KALAM PARAMANIK, VILL.- CHOTO NICHINPUR, P.O.
MEDORTARI, P.S. FAKIRGANJ, DIST. DHUBRI, ASSAM, PIN- 783330.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A F N U MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22-02-2023

Heard Mr. A.F.N.U. Mondal, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. The petitioner, namely, Zual Paramanik @ Juyel Pormanik has filed an application under Section 438 Cr.P.C. with a prayer for pre-arrest bail as he is apprehending arrest in connection with Fakirganj P.S. Case No.11/2023 (corresponding to G.R. No.69/2023) registered under Section 306 IPC.

3. The FIR unfolds that the informant's daughter, namely, Rina Parvin, who was only 15 years old, had a love relationship with the petitioner, but the petitioner got engaged to be married to another girl and thereafter, his daughter stopped attending school and having food and she confided to her mother that she had a love relationship with the petitioner. On 10.01.2023 at about 1 P.M. the daughter of the informant was found hanging from the loft of the house with the help of a scarf. It is alleged that the deceased committed suicide as the petitioner, who had a love relationship with the deceased, got engaged to another girl.
4. Learned Addl. PP has raised objection to the prayer for bail stating that the statements of witnesses clearly depict that the deceased committed suicide because the petitioner got engaged to another girl.
5. Learned Addl. PP has submitted that the post-mortem report has not been received.
6. It has been submitted that the petitioner was 31 years old, whereas the informant's daughter was a minor (15 years old) and it was not possible to marry a girl who was only 15 years old and as such, his family was searching for a girl with whom he can get married. As such, there was no abetment from the side of the petitioner which forced the deceased to commit suicide.
7. Learned counsel for the petitioner further submits that the petitioner never imagined that the deceased would take such a drastic step. Moreover, no case under Section 306 IPC has been made out as there was no intention or instigation by the petitioner which forced the deceased to commit suicide.
8. I have perused the Case Diary and the statements under Section 161 Cr.P.C. The allegation against the petitioner in the FIR reveals that the deceased committed suicide because the petitioner got engaged to another girl and she confided to her mother that she had a love relationship with him.
9. At this stage, I would not like to discuss the nitty-gritties of the evidence garnered by the investigating agency.
10. I have given my anxious consideration to the submissions given at the Bar.
11. Considering all aspects and considering the submissions at the bar and in view of my foregoing discussions, the petition is allowed.
12. In the event of arrest of the petitioner, namely, Zual Paramanik @ Juyel Poramanik, he shall be released on bail on furnishing bail bond of Rs.50,000/- with one suitable surety of like amount to the satisfaction of the arresting authority under the conditions that the petitioner shall

co-operate with the investigation of the case and appear before the IO of the case within a period of 10 (ten) days from today. The petitioner will not exercise any threats to the witnesses or tamper with the evidence.

13. Send back the Case Diary.

14. With the above observations and directions, the present application stands disposed of.

JUDGE

Comparing Assistant