

GAHC010080532023



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

Case No. : Bail Appln./1347/2023

PRANAB KALITA
S/O- SRI RAJEN KALITA, R/O- KALITAPARA, P.S. BOKO, DIST. KAMRUP,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

08.05.2023

Heard Mr. S.C. Biswas, learned counsel for the accused-petitioner and Mr. B.B. Gogoi, learned Addl. PP for the State.

2. This bail application has been filed by the accused-petitioner, namely, Pranab Kalita, seeking bail in connection with Boko PS Case No. 125/2023 under Sections 120(B)/302 of the IPC. The accused petitioner was arrested on 29.03.2023 and since

then he has been in custody.

3. It is submitted by the learned counsel for the accused-petitioner that by the FIR dated 19.03.2023, it was alleged by the informant one Sri Paresh Kalita that his younger sister was married to the accused person No. 1 named in the FIR namely, the petitioner herein. It was further alleged that on 19.03.2023 at about 11 AM, the accused persons named in the FIR tactfully murdered the sister of the informant and after committing the murder, the accused No. 1, namely the petitioner herein, hung the body of the deceased to conceal the actual incident. Pursuant to the FIR being registered, the petitioner was taken into custody in connection with the aforesaid case. The learned counsel for the petitioner submits that the petitioner is innocent and he has been taken into custody only on mere suspicion and there is no evidence which points to the guilt of the accused.

4. Pursuant to the orders passed by this Court calling for the case diary, the learned Addl. PP has produced the case diary today which is place before the Court.

5. The learned counsels for the parties have been heard. Pleadings on records have been carefully perused.

6. In the case diary, the post mortem report is available. According to the post mortem report because of death was "*due to combined effects of asphyxia and venous congestion following hanging during life*".

7. The case diary has been carefully perused. The allegations made against the petitioner are grave in nature and the punishments prescribed, in the event of the petitioner being convicted ultimately, are severe. From the case diary, it is seen that the investigations are being carried on. There are materials available in the case diary which incriminates the petitioner. Having perused the case diary and also upon hearing the learned counsels for the parties, this Court is of the view that at this stage of investigation, release of the petitioner from custody would not be conducive for the progress of the investigation that is being carried on at this stage. Accordingly, this

Court is not inclined to grant bail to the accused-petitioner at this stage. The Investigating Officer is, however, directed to carry on the investigation in right earnest and complete the same.

8. Accordingly, in view of the above, the bail application is dismissed.
9. Return the case diary.

JUDGE

Comparing Assistant