

GAHC010089912023



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

Case No. : Bail Appln./1512/2023

HIRAKJYOTI SAIKIA
S/O LT. JAGANNATH SAIKIA R/O R/O VILL. BAIHATA P.O. BAIHATA P.S.
KAMALPUR DIST. KAMRUP RURAL ASSAM PIN 781380

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

26/05/2023

Heard Mr. B K Mahajan, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Hirakjyoti Saikia**, seeking bail in connection with **Kamalpur P.S. Case No. 68/2023** registered under Sections 302/34 IPC, corresponding to G.R. Case No. 408/2023, wherein he was arrested on 21.04.2023 and since then he is in custody.

As per the FIR of the case, the informant, father of the deceased lodged an FIR before the Officer-in-Charge of Kamalpur Police Station on 20.04.2023 stating that on 21.02.2021, his daughter, i.e., the deceased got married with the petitioner. Later, he came to know that the petitioner and his family members used to ill-behave and torture her physically and mentally. On 19.04.2023, she was found hanging in her matrimonial home, i.e., in the house of the petitioner and the way she was found hanging, appears to be a case of murder, whereas the accused persons tried to show it as a case of hanging.

On the basis of the said FIR dated 20.04.2023, Kamalpur P.S. Case No. 68/2023 corresponding to G.R. Case No. 408/2023 under Sections 302/34 IPC was registered and the petitioner was arrested on 21.04.2023 in connection with the said case. The other accused persons of the case, i.e., the family members of the petitioner were already granted pre-arrest bail by the Court.

Perused the relevant case diary as well as the postmortem report of the deceased dated 20.04.2023, which indicate about an oblique non-continuous ligature mark high up in the neck above the level of thyroid cartilage on the person of the deceased. Said postmortem report also discloses that internally the hyoid bone and thyroid cartilage and all the other neck tissues of the deceased were found healthy.

Considering the medical report of the deceased, the statement so far recorded by the concerned Investigating Officer of the case and the period of detention of the petitioner in custody since 21.04.2023, the Court is of the view that further custodial detention of the petitioner for investigation of said Kamalpur P.S. Case No. 68/2023 is not warranted. As such, this bail application of the petitioner in said Kamalpur P.S. Case is accepted.

Accordingly, the petitioner, namely, Hirakjyoti Saikia, be released on bail in said Kamalpur P.S. Case No. 68/2023 registered under Sections 302/34 IPC corresponding to G.R. Case No. 408/2023, on furnishing a bail bond of Rs.40,000/- with 2 (two) local sureties of the like amount, to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Rangia, on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Kamalpur P.S. Case No. 68/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Kamalpur Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case and (iv) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or

to any police officer, failing which, the bail granted to him in the aforesaid Kamalpur P.S. Case No. 68/2023 shall stand automatically vacated.

It is made clear that the view expressed by this Court hereinabove is only for the purpose of granting bail to the petitioner in said Kamalpur P.S. Case No. 68/2023.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant