

GAHC010099312023



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

Case No. : Bail Appln./1648/2023

SAGAR MOHON SINGHA
S/O SRI BASHI MOHAN SINGHA
R/O RONGCHOCHENG VILLAGE,
BIRLA, DIPHU, P.S. DIPHU, DIST. KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY ITS LD. PP, ASSAM

Advocate for the Petitioner : MR. A BHATTACHARYA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

01-06-2023

Heard Mr. A. Bhattacharya, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, **Sri Sagar Mohon Singha** is seeking bail in Diphu P.S. Case No.42/2023 registered under Sections 302 IPC,

wherein, he was arrested on 18.04.2023 and since then, he is in custody.

On 18.04.2023, the informant Sri Sarjonka Teron lodged a written *Ejahaar* before the Officer-in-Charge of Diphu Police Station, Karbi Anglong stating that his sister Harleen Terongpi was found dead under suspicious circumstances, at a rented premises of one Sri Purna Rongpi situated at village-Rongchocheng, Birla, Diphu around 12:30 pm on 18.04.2023 and that he suspects the petitioner with whom his sister lived together since 2011 till the date of the incident, for about 12 years at different locations, including New Delhi and presently, staying at Diphu since last 4 months. In the FIR, the informant also stated that the petitioner was the only person present in the house, where his sister was found hanging on the particular date. The said FIR was accordingly registered as Diphu P.S. Case No.42/2023.

Prior to that, an Unnatural Death Case relating to the death of the sister of the informant was registered at Diphu Police Station as Diphu P.S. UD Case No.12/2023.

Perused the case diary produced before the Court today, by Mr. Goswami, learned Additional Public Prosecutor, Assam.

The statement of the witnesses, so far recorded by the concerned Investigating Officer including the landlord of the house in which the petitioner and the deceased sister of the informant used to stay at village-Rongchocheng, Birla, Diphu.

Though the post mortem report of the deceased is not available in the case diary, but the note of the Investigating Officer of the case dated 30.05.2023, indicates that he had collected the post mortem report of the deceased Harleen Terongpi and the concerned Doctor, Assistant Professor of the Department of Forensic Medicine of Diphu Medical College and Hospital opined that the death of the deceased was due to asphexia, as a result of ante mortem suicidal hanging.

Considering the above and the period of detention of the petitioner in custody since 18.04.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Diphu P.S. Case No.42/2023. As such, this bail application of the petitioner in said Diphu P.S. Case is accepted.

Accordingly, the petitioner, namely, **Sri Sagar Mohon Singha**, be released on bail in said Diphu P.S. Case No.42/2023, on furnishing a bail bond of Rs.50,000/-, with 2 (two) local

sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Karbi Anglong, Diphu on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Diphu P.S. Case No.42/2023 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Diphu 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)** he 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 Diphu P.S. Case No.42/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant