

GAHC010100782023



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

Case No. : AB/1677/2023

HARI TANTI AND 2 ORS.
S/O LATE MADHAB TANTI
R/O VIL- RAMCHANDI PART-2, P.O. TANTOO MANIKNAGAR, P.S. LALA
DIST. HAILAKANDI, PIN-788163, ASSAM

2: SMTI. CHANDNI TANTI
D/O SHRI HARI TANTI
R/O VIL- RAMCHANDI PART-2
P.O. TANTOO MANIKNAGAR
P.S. LALA
DIST. HAILAKANDI
PIN-788163
ASSAM

3: SHRI KRISHNA TANTI
S/O LATE BASUDEV TANTI
R/O VIL- RAMCHANDI PART-2
P.O. TANTOO MANIKNAGAR
P.S. LALA
DIST. HAILAKANDI
PIN-788163
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 24.05.2023

Heard Mr. M. J. Quadir, learned counsel appears for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor appearing for the State of Assam.

2. This Anticipatory bail petition has been filed by the petitioners, namely, 1. Shri Hari Tanti, 2. Smti. Chandni Tanti and 3. Shri Krishna Tanti, apprehending arrest in connection with Jamuguri Police Station Case No. 27/2023, registered under Section 302 of IPC.

3. The learned counsel appears for the petitioners submits that by an FIR dated 11.03.2023 lodged by the informant, one Mrinali Bora, it is alleged that the person named as accused in the FIR namely, Shri Sadhan Tanti had taken away her husband from home on 09.03.2023 at about 6.30 p.m and had killed him with sharp weapon and left the dead body in the field. Learned counsel for the petitioner submits that in pursuance to the Section 41(A) of Cr.P.C, Notices served on the petitioners and they have appeared before the Investigating Officer and their statements have also been recorded.

4. The learned counsel for the petitioners submits that the named accused, Shri Sadhan Tanti is the son of the petitioner No.1 and brother of petitioner No.2 and the petitioner No.3 is

the VDP Secretary of the village. It is submitted that the petitioners are in no way connected to the offence alleged. However since petitioner No.1 and petitioner No.2 are relatives of the said accused and petitioner No.3 is the VDP Secretary, and in view of the investigations being carried on by the police, they apprehend that they will be arrested by the police on mere suspicion.

5. The learned counsel for the petitioner submits that the petitioners are not at all connected with the offences as alleged. However, they apprehend arrest by the police on mere suspicion and as such they pray for grant of anticipatory bail.

6. This Court by order dated 12.05.2023 had called for the case diary.

7. The case diary is produced by Ms. N. Das, learned Addl. P.P. The same has been carefully perused.

8. Upon perusal of the case diary, it is seen that the statements of the petitioners have been recorded by the Investigating Officer in pursuance to Section 41 (A) of Cr.P.C. Matter is under investigation. Petitioners are also have cooperated in the investigation. Accordingly, this Court is of the view that the prayer for anticipatory bail in respect of the petitioners can be granted. Accordingly, in the event of arrest of the petitioners in connection with Jamuguri Police Station Case No. 27/2023, registered under Section 302 of IPC, the petitioner is released on a bail bond of Rs.30,000/- (Rupees

thirty thousand) only each with two (2) local sureties of like amount to the satisfaction of the Arresting Authority. The bail granted however, is subject to the following conditions:-

1. That the petitioners shall appear before the Investigating Officer within 10(ten) days and co-operate in the investigation as and when required;
2. The petitioners shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Jamuguri Police Station.
3. That the petitioners shall not hamper or tamper with the investigation in any manner; and
4. That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

9. If any of the conditions are found to be violated by the petitioner, then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioners.

10. Anticipatory bail petition is accordingly disposed of.

11. Return the Case Diary.

JUDGE

Comparing Assistant