

GAHC010104642023



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

Case No. : Bail Appln./1734/2023

HIMADRI SONOWAL
W/O SRI RAJA GOSH
R/O BHOJO GAON
P.S. SONARI
DIST. CHARAIDEO, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : R DAS
Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

31.05.2023

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

By this application filed under Section 439 CrPC, the petitioner, namely, **Smt. Himadri Sonowal**, is seeking bail in connection with Basistha Police Station Case No. 259/2023 registered under Section 395 IPC in which she was arrested on 10.05.2023 and since then she is in custody.

On 10.05.2023, the informant of the case, Sri Ram Siromoni Tewari, resident of Bhangagarh,

lodged an FIR at Basistha Police Station informing about a robbery incident that took place in Ananta Path, Basistha and accordingly, the said FIR was registered as Basistha P.S. Case No. 259/2023 under Section 395 IPC.

The informant of the case claimed that he is the owner of a parcel of land measuring 4 kathas 1 lecha at Ananta Path, Beharbari, Basistha under Dispur Revenue Circle, Mouza-Beltola, in which he constructed three Assam type houses with holding No. 12402940 and two tenants are residing in one of the houses since long. His one of the tenants is residing in the said premise since last 10 years and the other one is residing there for last 1 year.

In the FIR of the case, the informant stated that on 04.05.2023, a group of 10 to 12 unknown persons armed with weapons entered his said premise and they threatened those two tenants and forced them to go out from the said premise so as to vacate the said land.

Perused the case diary placed before the Court by Mr. Goswami, learned Additional Public Prosecutor, Assam and also perused the statements of the two witnesses, i.e., the tenants of the informant of the case that were recorded by the concerned Investigating Officer of said Basistha P.S. Case No. 259/2023 under Section 161 CrPC.

In their statements, those two tenants stated about the presence of some unknown persons in the said premise of the informant on 04.05.2023 but they did not mention about the presence of any woman in the said incident.

Considering the above and the period of detention of the petitioner in custody since 10.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Basistha P.S. Case No. 259/2023. As such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Smt. Himadri Sonowal**, be released on bail in said Basistha P.S. Case No. 259/2023 on furnishing a bail bond of Rs. 35,000/- with 2 (two) local sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro) on conditions that the petitioner shall – **(i)** appear before the concerned Investigating Officer of said Basistha P.S. Case No. 259/2023 as and when she is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of Basistha 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)** not, directly or indirectly make any

inducement, threat or promise to any person 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.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the bail granted to her in said Basistha P.S. Case No. 259/2023 shall stand automatically vacated.

Bail application accordingly stands allowed.

Return the case diary.

JUDGE

Comparing Assistant