

GAHC010105902023



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

Case No. : AB/1954/2023

ASHUTOSH DEB
S/O LATE BASU DEB
R/O DWARBOND BASTI,
P.O BORDUKAN, P.S. DWABOND
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. JUNM LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-06-2023

Heard Ms. J. Ghosh, learned counsel appearing on behalf of Mr. R. Majumdar, learned counsel for the petitioner and Mr. P.S.Lahkar, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Ashutosh Deb**, apprehending his arrest, is seeking pre-arrest bail in Dwarbond Police Station Case No. 47/2023 registered under Sections 498(A)/354(B) IPC read with Sections 3/4 of the Dowry Prohibition Act, 1961.

As per the FIR of the case dated 07.04.2023, the petitioner and the complainant got married on 09.03.2023 and after her marriage with the petitioner, he demanded dowry from the complainant and as she could not provide him the demanded money, she was physically assaulted by him.

Mr. Lahkar, learned Additional Public Prosecutor, Assam from the case diary submits that as per the statements of the witnesses who are the family members of the complainant/victim so far recorded by the concerned Investigating Officer of the case, during their marriage Rs. 5,00,000/- was given to the petitioner along with the victim.

However, the witnesses from the neighbours of the petitioner did not implicate him with regard to any such criminal activities as has been alleged by the complainant, wife of the petitioner.

Mr. Lahkar, learned Additional Public Prosecutor, Assam from the case diary also submits that the medical report of the complainant/victim did not show any such injuries sustained by her.

Considering the above and the materials available in the case diary, the Court is of the view that custodial interrogation of the petitioner is not warranted to investigate said Dwarbond P.S. Case No. 47/2023. As such, this pre-arrest bail application of the petitioner, named above, in said Dwarbond P.S. Case is accepted.

The petitioner, namely, **Ashutosh Deb** is already on interim bail in said Dwarbond P.S. Case No. 47/2023 granted to him earlier on 05.06.2023 and the same is hereby made absolute on the terms and conditions that the petitioner shall (i) appear before the Investigating Officer of Dwarbond P.S. Case No. 47/2023, as and when he is required for necessary investigation of said Dwarbond P.S. Case; (ii) not leave the territorial jurisdiction of the Dwarbond 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 to the complainant/victim and anyone of her family members 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.

With the above observation and directions, this pre-arrest bail application of the petitioner accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant