

GAHC010107852023



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

Case No. : AB/1775/2023

SMTI. MEGHNA KHEMKA
D/O MAHABIR PRASAD BUKALSARIA, R/O NEW MARKET, DIBRUGARH,
PIN-786001, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R DUBEY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14.06.2023

Heard Mr. R Dubey, learned counsel for the petitioner as well as Mr. B Sarmah, learned Addl. P.P., Assam for the State respondent.

By this petition filed under Section 438 Cr.P.C., the petitioner, namely, **Meghna Khemka** has prayed for granting pre-arrest bail, apprehending arrest in connection with **Dibrugarh P.S. Case No.277/2023** under Sections 342/352/323/509 of the IPC r/w Section 75 of the Juvenile Justice (Care and Protection of Children) Act.

The case diary is placed before the court.

It is submitted by Mr. R Dubey, learned counsel for the petitioner that an FIR was lodged by the Child Welfare Committee, Dibrugarh on receipt of an information from the husband of the petitioner and father of the victim child in question as regards torture on the daughter of the petitioner. It is also submitted that several cases are pending between them in Courts of Assam and outside the State. Divorce case is also pending and has been sought to be settled between the parties on an amount of Rs. 2 crores approximately to be paid to the petitioner by her husband. As per the order of the Hon'ble Supreme Court, the case is pending for further mediation but subsequently, the present FIR has been lodged in connection with Dibrugarh PS 277/2023 on the allegation of child abuse by the petitioner to harass the petitioner and to avoid payment of alimony to the petitioner.

Mr. B Sarma, learned Addl.Public Prosecutor submits that the statement of the victim was recorded under Section 164 CrPC wherein she made allegation of torture and cruelty against the mother i.e. the present petitioner.

I have perused the case diary and considered the submission of the parties including the statement of the victim recorded under Section 164 CrPC wherein she stated that she stayed with her mother for the last two years as her parents used to live separately because the divorce case is pending. During the absence of her father, her mother used to torture her physically and mentally and her mother also used filthy language. The petitioner had hit her daughter with an iron rod whereupon she sustained injuries on her right hand finger and also hit her with a water flask. However, injury report is not available in the case diary.

In view of above, considering the facts and circumstances of the case as emerges from the case diary, the prayer for anticipatory bail is hereby granted.

It is provided that in the event of arrest of the petitioner, named above, she shall be released on **pre-arrest bail**, in connection with the above noted case on furnishing bail bond of **Rs.20,000/- (Twenty Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 10 days from today, failing which, on the 11th day, the anticipatory bail order shall automatically expire;
- (ii) That the petitioner 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 him/her from

disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant