

GAHC010125732023



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

Case No. : AB/2072/2023

JATIN KONWAR
S/O HALIRAM KONWAR
R/O VILL- HALADHIBARI KONWAR GAON, P.O. HALADHIBARI, P.S.
KHOWANG, DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

30-06-2023

Heard Mr. P.J. Saikia, learned Senior counsel assisted by Mr. K.J. Saikia, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Shri Jatin Konwar**, apprehending his arrest, is seeking pre-arrest bail in connection with Khowang Police Station Case No. 30/2023 registered under Sections 498-A/326 IPC with added Section 307 IPC, corresponding to GR Case No. 685/2023.

As per the FIR of the case dated 25.04.2023 lodged by the complainant, wife of the petitioner, on 22.04.2023 the petitioner assaulted her with sharp weapon due to which she sustained grievous

injuries and cut her with sharp weapon on various parts of her body and is undergoing medical treatment in the Assam Medical College, Dibrugarh.

In the FIR of the case, the complainant stated that the petitioner tortured her mentally and physically since the day of their marriage demanding dowry.

Considering the above, the Court is of the view that custodial interrogation of the petitioner, named above, is not warranted to investigate said Khowang P.S. Case No. 30/2023. As such, this pre-arrest bail application of the petitioner is accepted.

Accordingly, in the event of arrest of the petitioner, namely, **Shri Jatin Konwar**, in said Khowang P.S. Case No. 30/2023, he shall be released on bail on furnishing a bail bond of Rs. 50,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (either Central or State Government), to the satisfaction of the arresting authority, subject to the conditions that the petitioner shall – (i) appear before the concerned Investigating Officer of said Khowang P.S. Case No. 30/2023 **on or before 06.07.2023** and thereafter, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Khowang Police Station, without obtaining prior written permission from the concerned I/O 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 victim, any of her family members or promise to any person acquainted with the facts of the case so as to dissuade her/him 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 pre-arrest bail granted to him in said Khowang P.S. Case No. 30/2023 shall stand automatically vacated.

Accordingly, this pre-arrest bail application stands allowed to the extent above.

JUDGE

Comparing Assistant