

GAHC010134072023



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

Case No. : Bail Appln./2130/2023

SANKAR NEWAR
S/O SHRI RAM NEWAR, R/O VILL- UPARKHUTI, BANGALIPARA
P.O. BANGALIPARA, P.S. GORESWAR, DIST. BAKSA, ASSAM, PIN-781364

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-06-2023

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

By this application under Section 439 CrPC the petitioner, namely, **Sankar Newar**, is seeking bail in connection with **Goreswar Police Station Case No. 96/2023** corresponding to G.R. No. 521/2023 registered under Sections 304B/34 IPC, wherein he was arrested on

30.04.2023 and is in custody since then.

As per the FIR of the case, the petitioner and the deceased eloped together, got married about a year back from the date of the incident and lived together as husband and wife but, the petitioner used to physically and mentally torture his said wife. The allegation against the petitioner is that he murdered his wife, Pompy Newar.

Perused the Case Diary, the statements of the independent witnesses so far recorded by the concerned I.O. of the case as well as the Medical Report of the deceased, which reflects the presence of ligature mark that was found to be incomplete and oblique.

However, there are sufficient incriminating materials against the petitioner reflecting that he used to physically torture his deceased wife during her lifetime and the independent witnesses/neighbours implicated the petitioner for such acts.

Considering the period of detention of the petitioner since 30.04.2023 and the Medical Report of the deceased dated 29.04.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Goreswar P.S. Case No. 96/2023. As such, this bail application of the petitioner in said Goreswar P.S. Case No. 96/2023 is accepted.

Accordingly, the petitioner, namely, **Sankar Newar**, be released on bail in said Goreswar P.S. Case No. 96/2023 on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (Central and/or State of Assam) to the satisfaction of the learned Sub Divisional Judicial Magistrate (S), Mushalpur, Baksa on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Goreswar P.S. Case No. 96/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Goreswar 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Goreswar P.S. Case No. 96/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant