

GAHC010139752022



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

Case No. : AB/1988/2022

DR. SHOBHANA NAYAK RAO AND ANR
D/O G.A. NAYAK
PRESENTLY R/O APARTMENT A2, 6TH FLOOR, ASTER BLOCK, SYNDICATE
ORCHID APARTMENT, HENGRABARI ROAD, PIN-781006, P.S. DISPUR, DIST.
KAMRUP (M), ASSAM
PERMANENT R/O 532, 9TH CROSS, JAYANAGAR, 7TH BLOCK WEST,
BANGALORE, PIN-560070

2: DR ARPITA PANCHAL
D/O LATE RAMESH CHOUKSEY
R/O F-202 UNIVERSAL APARTMENT
BETKUCHI
GUWAHATI
PIN-781040
DIST. KAMRUP (METRO)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 23.05.2023

Heard Mr. A. M. Bora, learned senior counsel assisted by Mr. V. A. Chowdhury, learned counsel appears for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam and Mr. O. Laskar, learned counsel appears for respondent No.2.

2. This Anticipatory bail petition has been filed by the petitioners namely, 1. Dr. Shobhana Nayak Rao and 2. Dr. Arpita Panchal apprehending arrest in connection with Changsari Police Station case No. 275/22 registered under Sections 306/34 of IPC. It is submitted that by an FIR dated 16.07.2022 lodged by the informant, one Hitesh Deka, allegations were made against the petitioners that they had tortured his wife at the work place because of which she committed suicide.

3. This Court vide order dated 20.07.2022 while calling for case diary had granted interim bail to the petitioners.

4. The interim bail granted had in the meantime been extended by subsequent orders.

5. It is submitted by the learned Additional P.P that charge-sheet in the meantime had been filed in the matter. The

learned counsels have been heard. Pleadings on record have been carefully perused.

6. This Court vide order dated 20.07.2022 while granting interim bail had laid down certain conditions which the petitioners were directed to comply with. No materials has been placed before this Court to show that any or all of these conditions have not been complied with by the petitioners pursuant to grant of interim bail vide earlier order dated 20.07.2022 passed by this Court. Although it is submitted that charge-sheet had been filed in the matter, no useful purpose will be served by relegating the petitioners to appear before the Trial Court and apply for regular bail in view of the fact that this Court vide order dated 05.01.2023 passed in Crl.Pet.02/2023 has stayed the further proceedings of PRC Case no.614/2022 pending in the Court of Judicial Magistrate First Class, Kamrup, Amingaon and all further proceedings of Changsari Police Station Case No. 275/2022 under Section 306/34 of IPC. The said interim order is presently operating.

7. In that view of the matter this Court is the considered opinion that the interim bail granted to the petitioners vide order dated 20.07.2022 can be made absolute on the same terms and conditions.

8. If any of these conditions are found to be violated by the petitioners, the Investigating officer will be at liberty to apply for cancellation of the bail granted.

9. Accordingly, the anticipatory bail petition is disposed of.

JUDGE

Comparing Assistant