

GAHC010143592023



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

Case No. : AB/2302/2023

RAJA DAS
S/O LT. HAREN DAS
R/O NOONMATI, NER KALIMANDIR, SECTOR-2,
P.O. AND P.S. NOONMATI, PIN-781020
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS D BORGOHAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

20.07.2023

Heard Ms. D. Borgohain, learned counsel for the petitioner. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Shri Raja Das, who was apprehending his arrest in connection with Noonmati P.S. Case No. 177/2023 corresponding to G.R. Case No. 4358/2023 under section 314 of the Indian Penal Code.

The accusation against the present accused is that on 18.06.2023, one Smti. Kiran Das Medhi lodged an FIR before the Superintendent of Police, Darrang, *inter-alia* alleging that the present petitioner forcefully made his wife to consume powerful abortive tablets without the advice of the doctor, as a result of which the wife of the present petitioner suffered from diarrhea and over bleeding and fell seriously ill and ultimately she expired on 19.05.2023.

On receipt of the said FIR, Noonmati P.S. Case No. 177/2023 was registered.

Learned counsel for the petitioner submits that the petitioner is innocent and the deceased was his wife. It is infact the first informant who is the grandmother of the wife of the petitioner, also works as a nurse in a Hospital who used to provide the abortive pills to the wife of the petitioner.

It is also submitted that this Court granted interim anticipatory bail to the present petitioner on 30.06.2023 and in pursuant to the orders of this Court, the petitioner has approached before the Investigating Officer and his statement was also recorded.

Learned Additional Public Prosecutor has produced the case diary the case diary which was called for in connection with this case.

It is also submitted that the petitioner has infact appeared before the Investigating Officer and his statement was also recorded under section 161 Cr.P.C. and there is nothing to suggest that he is not co-operating with the Investigating Officer.

Considering the submissions made by the learned counsel for the petitioner as well as learned Additional Public Prosecutor and also considering the materials available in the case diary, custodial detention of the present petitioner does not appear to be necessary for the sake of fair completion of the investigation of Noonmati P.S. Case No. 177/2023.

In view of above, the interim anticipatory bail granted to the present petitioner by order dated 30.06.2023 is hereby made absolute with the conditions that the petitioner shall continue to co-operate with the Investigating Officer of Noonmati P.S. Case No. 177/2023.

With the above observation, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant