

GAHC010152672023



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

**Case No. : AB/2448/2023**

SABITRI BAISHYA  
W/O LATE SHYAMAL BAISHYA  
R/O VILL- KUSHLAIGURI, P.O. PATILADOHA, P.S. MANIKPUR  
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. D CHOUDHURY**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 17.07.2023**

Heard Mr. T. Chakraborty, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail by the petitioner, namely, Sabitri Baishya, who is apprehending arrest in connection with Manikpur P. S.

Case No. 162/2022, under Section 306 of the Indian Penal Code.

The accusation in this case is that on 12.09.2022, one Smti Rita Baishya lodged an FIR before the Officer-in-Charge of Manikpur Police Station, inter-alia, alleging that on 04.09.2022, the present petitioner went to their house asked for some help of her husband for repairing a torch light and when her husband went to the house of the present petitioner, the present petitioner created a situation of hue and cry alleging that the house of the first informant tried to commit bad act with her.

It is also alleged in the FIR that in this regard on 11.09.2022, a public meeting was supposed to be held in which the husband of the first informant was to be taken around the village with a garland of footwear.

It is further stated in the FIR that unable to withstand the false accusation of the present petitioner, the husband of the first informant tried to commit suicide on 11.09.2022 and he ultimately died on 12.09.2023 at around 3.00pm in Lower Assam Hospital, Bongaigaon. On receipt of the said FIR, Manikpur P. S. Case No. 162/2022 was registered.

Learned counsel for the petitioner has submitted that prior to lodging of the aforesaid FIR, the present petitioner had lodged an FIR against the deceased Swapan Baishya and two others alleging therein that on 04.09.2022 the deceased entered into her house and tried to commit rape on her.

It is also submitted by the learned counsel for the petitioner that the son of the present petitioner was arrested in connection with the Manikpur P. S. Case No. 162/2022, however, later on he was enlarged on bail.

Learned counsel for the petitioner has also submitted that the petitioner being a permanent resident of village Kushlaiguri under Manikpur Police Station shall co-operate in the investigation of Manikpur P. S. Case No. 162/2022.

I have also heard the learned Additional Public Prosecutor for the State.

Considering the circumstances under which the deceased committed suicide as apparent from the FIR dated 12.09.2022 itself as well as considering submissions made by the learned counsel for the petitioner, the petitioner namely, Sabitri Baishya is directed to appear before the Investigating Officer of Manikpur P. S. Case No. 162/2022 and co-operate with the fair completion of the investigation of the said case.

The petitioner shall appear before the Investigating Officer of Manikpur P. S. Case No. 162/2022 within a period of ten days from the date of this order, and if she does so, within the stipulated period of time, in the event of her arrest, in connection with Manikpur P. S. Case No. 162/2022, the arresting authority shall allow her to go on bail of Rs. 20,000/- (Rupees Twenty Thousand only) with one surety of like amount to the satisfaction of the arresting authority subject to the condition that the petitioner shall co-operate with the Investigating Officer of the Manikpur P. S. Case No. 162/2022.

This instant anticipatory bail application is disposed.

**JUDGE**

**Comparing Assistant**