

GAHC010205942023



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

Case No. : AB/3144/2023

NIBEJITA PAIT AND ANR
W/O- CHITA KUMAR PAIT,
R/O- KULAJAN,
PAIT GAON,
P.S- SILAPATHAR, DIST- DHEMAJI, ASSAM,
PIN-787110

2: PRAHENIT PAIT @ PRASHENJIT PAIT
S/O- CHITA KUMAR PAIT
R/O- KULAJAN
PAIT GAON
P.S- SILAPATHAR
DIST- DHEMAJI
ASSAM
PIN-78711

VERSUS

THE STATE OF ASSAM
REP, BY THE PP, ASSAM

Advocate for the Petitioner : MR. B BARUAH
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

14.09.2023

Heard Mr. B. Baruah, learned counsel for the applicants and Ms. N. Das,

learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Silapathar P.S. Case No. 174/2023**, under Sections 498[A]/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants, namely, **Mrs. Nibejita Pait and Sri Prahenit Pait @ Prashenjit Pait** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one Geetanjali Doley, on 23.08.2023. The essence of allegations made in the FIR is that the informant got married with the applicant No. 2 on 28.12.2022, and thereafter, they started living in the matrimonial home as husband and wife and thereafter, she has been subjected to both physical and mental cruelty.

4. Mr. Baruah, learned counsel for the applicant submits that the applicant No. 1 is a Government servant and serving as GDS BPM and that the allegations made in the FIR is false and that they are ready to cooperate with the investigation agency, and therefore, it is contended to allow the petition.

5. On the other hand, Ms. Das, learned Additional Public Prosecutor, opposed the bail petition and prayed for calling the case diary to ascertain the veracity of the allegation made against the applicants.

6. Having heard the submissions of learned Advocates of both sides, I have carefully perused the petition and the documents placed on the record.

7. It appears from the FIR that the dispute is between the husband and the mother in law of the informant. Further, it appears that the nature of accusation made in the FIR and the punishment prescribed for the same is not so serious in nature and it is a family matter and has to be dealt with in a sensitive matter. Therefore, this Court is inclined to extend protection to the applicant.

8. Accordingly, it is provided that in the event of arrest of the applicants, in connection with **Silapathar P.S. Case No. 174/2023**, under Sections 498[A]/34 of

the IPC, he shall be enlarged on interim pre-arrest bail on executing a bond of Rs. 50,000/- only with one surety of like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:

(i) that the applicants shall make themselves available for interrogation by the Investigating Officer as and when required;

(ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) that the applicants shall not leave the jurisdiction of the learned **CJM, Dhemaaji**, without prior permission.

10. In terms of above, this AB stands disposed of.

JUDGE

Comparing Assistant