

GAHC010214462023



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

Case No. : Bail Appln./3381/2023

SUBHALAKSHMI DUTTA
D/O LATE NAREN DUTTA
R/O THANA ROAD, WARD NO. 8,
P.S.LAKHIMPUR,
DIST. NORTH LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY ITS PP, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

17.10.2023.

1. Heard Mr. K. N. Choudhury, learned Senior Counsel assisted by Mr. B. Chakraborty, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State of Assam.

2. This is an application made under Section 439 Cr. P.C. seeking bail by the accused/petitioner, namely, **Smt. Subhalakshmi Dutta**, who was arrested on 09.09.2023 in connection with Nazira PS Case No. 36/2023 being registered under Section 324/342/307/326/506 of IPC. The investigation has been completed and charge sheet has been laid during the pendency of the present petition.
3. This Court had called for the scanned copy of the record of PRC Case No. 79/2023 as well as the case diary of the Nazira PS Case No. 36/2023 which is received and perused by the Court.
4. Mr. K. N. Choudhury, learned Senior Counsel appearing for the petitioner argues that as the charge-sheet has already been filed, statement of the victim has been recorded under Section 161 of Cr.P.C. as well as the under Section 164 of Cr.P.C., the statement of the Doctor has been recorded and medical report has also been obtained, therefore, there is no necessity to keep the petitioner in detention inasmuch as the petitioner will not be able to properly defend herself if she is kept in custody.
5. Per contra, Mr. Kaushik, learned Additional Public Prosecutor for the State of Assam argues that the petitioner is a high ranked Police Officer and therefore, there is every chances that she may influence witness and temper with the evidence. Therefore, the petitioner shall not be released on bail at this stage.
6. This Court has given anxious consideration to the arguments advanced by the learned counsel for the parties and also perused the scanned copy of the record.

7. In the FIR, it is alleged by the informant/victim that while she was serving as a domestic help of the present petitioner who is a Police Officer of Nazira Sub Division in the district of Sivasagar, the victim was tortured and the accused continued to physically assault her and tried to kill her by pouring hot water on her body and on several occasions compelled her not to raise any objection in the matter of causing physical assault and by showing her position as a high rank police officer.
8. It is further alleged that she was also confined in the bathroom and somehow she was able to escape from the quarter/residence of the petitioner and save her life.
9. On the basis of the FIR, the aforesaid Nazira PS Case No. 36/2023 was registered and investigation was initiated. After the completion of investigation, charge sheet was filed as discussed hereinabove.
10. The materials so far collected, more particularly the statement of the victim, it is revealed that on the fateful day, boiling hot water were poured upon the body of the victim and she was confined inside the bathroom. The medical report also shows burn injury, fracture, bruise and approximately 13% TBSA burn. The photograph of the injured victim also shows burn injury as narrated by the victim and recorded in the Medical Report.
11. Considering the materials so far collected by the investigating authority as well as the stage of the trial and the nature of serious allegation made against the petitioner and the manner in which the offence was alleged to be committed, this Court is of the view that at this stage, the petitioner is not entitled for grant of bail under Section 439 of the Cr.P.C., more

particularly considering the fact that she is a high ranked Police Officer and there is a scope for influencing the witnesses and tampering with the evidences inasmuch as the victim is a lady from the poor and lower strata of the society and the accused is a high ranked Police Officer. Therefore, in the considered opinion of this Court, such prayer for grant of bail is required to be considered after recording of testimony of the victim.

12. Accordingly, for the reasons as discussed hereinabove, the present bail application stands rejected at this stage.

JUDGE

Comparing Assistant