

GAHC010219642023



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

Case No. : Bail Appln./3500/2023

JAYANTA DAS
S/O SRI JOGEN DAS
R/OKHUDRA DIMU
P.S. RANGIA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

08.11.2023

Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam.

This application under section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Jayanta Das, who has been detained behind the bars since 15.09.2023 (since last 54 days) in connection with Rangia P.S. Case No. 581/2016 under Sections 304B/34 of the Indian Penal Code.

The gist of accusation in this case is that on 13.11.2016, one Shri Chakra Dhar Das lodged an FIR before the Officer-In-Charge of Rangia Police Station, *inter-alia*, alleging that her daughter had eloped with the present petitioner in the year 2015 and after that she was staying with the present petitioner and she was subjected to cruelty by the present petitioner.

It is also alleged in the FIR that thought the daughter of the first informant was tolerating the torture perpetuated by the accused persons. However, on 12.11.2016, the present petitioner, along with his family members killed the daughter of the first informant and hanged her inside the room.

Learned counsel for the petitioner has submitted that the incident occurred in the year 2016 and the petitioner has already been detained behind the bars since last 54 days and on the ground of detention itself, the learned counsel for the petitioner has prayed for allowing the petitioner to go on bail.

It is also submitted that the petitioner would face the trial in case of the submission of charge-sheet against him.

On the other hand, learned Additional Public Prosecutor produced the case diary of Rangia P.S. Case No. 581/2016 and has submitted that from the post-mortem examination report available in the case diary, it appears that the death of the daughter of the first informant was due to asphyxia as a result of ante-mortem suicidal hanging.

It is also submitted by the learned Additional Public Prosecutor that in the meantime the investigation has fairly progressed and the Investigating Officer

has recorded the statement of relevant witnesses.

Considering the progress made in the investigation as well as period of detention already undergone by the present petitioner, further custodial detention of the present petitioner does not appear to be necessary if he co-operates in the investigation.

In view of the above, the petitioner, namely, Jayanta Das is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Rangia subject to condition that the petitioner shall co-operate in the investigation.

JUDGE

Comparing Assistant