

GAHC010219642023



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

Case No. :

AB/3364/2023

JOGEN DAS AND ANR
S/O LATE TARANI DAS
R/O SUDRADUMU
BOZRABARI
P.S. RANGIA
DIST. KAMRUP
ASSAM

2: SEWALI DAS
W/O SRI JOGEN DAS
R/O SUDRADUMU
BOZRABARI
P.S. RANGIA
DIST. KAMRUP
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. S MUNIR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

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

ORDER

08.11.2023

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

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, (1) Jogen Das and (2) Sewali Das, who are apprehending their arrest 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 son of the present petitioners in the year 2015 and after that she was staying with the present petitioners and she was subjected to cruelty by the present petitioners.

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

Learned counsel for the petitioners has submitted that the present petitioners are the father-in-law and mother-in-law of the deceased respectively.

It is also submitted that the daughter-in-law of the present petitioners had committed suicide and they are not involved in the offence as alleged in the FIR.

On the other hand, learned Additional Public Prosecutor has 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 cause of death of the daughter of the first informant was due to asphyxia as a result of ante-mortem suicidal hanging.

It is pertinent to mention herein that the son of the present petitioners, namely, Jayanta Das, who was the husband of the deceased, has already been granted bail by this Court in B.A. Case No. 3500/2023.

Furhter, considering the progress made in the investigation and also considering the fact that one of the main accused has already been granted bail by this Court, the custodial detention of the present petitioners does not appear to be necessary for fair completion of the investigaton of this case.

Hence, both the above named petitioners, namely, (1) Jogen Das and (2) Sewali Das, are hereby directed to appear before the Investigating Officer of Rangia P.S. Case No. 581/2016 within a period of 10(ten)days from the date of this order and co-operate in the investigation. If they do so, within the stipulated period of time, in the event of their arrest in connection with Rangia P.S. Case No. 581/2016, they shall be allowed to go on interim bail of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the condition that they shall co-operate in the investigation of this case.

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

Send back the case diary.

JUDGE

Comparing Assistant