

GAHC010220982023



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

Case No. : Bail Appln./3546/2023

NITUL KUMAR RAJBONGSHI
S/O GAJENDRA NATH RAJBONGSHI
R/O HOUSE NO. 277, GANESHNAGAR, P.S. CANDMARI, DIST. KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P PRAWAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 02.11.2023

Heard Mr. P. Prawar, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Nitul Kumar

Rajbongshi, who has been detained behind the bar since 10.08.2023 in connection with Chandmari P. S. Case No. 337/2023 under Section 306 of the Indian Penal Code.

The gist of accusation in this case in brief is that on 09.09.2023 one Shri Biplab Kumar Bora lodged an FIR before the Officer-in-Charge of Chandmari Police Station, *inter-alia*, alleging that the youngest sister of the informant namely, Sangita Bora, who was the wife of the present petitioner, committed suicide inside her house by hanging from a ceiling fan. It was alleged in the FIR that the sister of the informant committed suicide due to the torture perpetrated on her by the present petitioner and his family members.

Learned counsel for the petitioner has submitted that the relationship between the petitioner and his deceased wife was not good and in this regard he had also filed a divorce case against his wife when she was alive.

He also filed an intimation to the Officer-in-Charge of Chandmari Police Station on 26.06.2023, intimating about the estranged relationship between him and his wife and also suspecting that she may also commit suicide.

Learned counsel for the petitioner has also submitted that the petitioner has already detained behind the bar since last 54 days and is a permanent resident of Chandmari under the jurisdiction of Chandmari Police Station and he is ready to co-operate in the investigation.

On the other hand, Mr. M. P. Goswami, learned Additional Public Prosecutor has submitted that though there are incriminating materials against the present petitioner and has vehemently opposed the grant of bail to the present petitioner.

I have considered the rival submissions made by learned counsel for both sides and have perused the materials in the case diary of Chandmari P. S. Case

No. 337/2023, which was called for by this Court in connection with this case. Considering the progress made in the investigation as well as considering the period of detention already undergone by the present petitioner (54 days), this Court is of considered opinion that further custodial detention of the present petitioner may not be necessary, if he co-operates with the Investigating Officer.

In view of the above, the petitioner namely, Nitul Kumar Rajbongshi, is hereby allowed to go on bail Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the learned Ilaka Magistrate, subject to the following conditions that:

- i. That the petitioner shall co-operate with the Investigating Officer of Chandmari P. S. Case No. 337/2023.
- ii. That the petitioner shall not directly or indirectly make any inducement, threat, or promise to the first informant or any other person who is acquainted with the facts of the case, so as to dissuade such person from disclosing such facts to the Investigating Officer of the said case or any Court.

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

Sent back the case diary.

JUDGE

Comparing Assistant