

GAHC010242402023



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

Case No. : AB/3619/2023

SUCHITRA BALA ROY AND 2 ORS.
W/O LATE DWIPENDRA NATH ROY
R/O VILL- UJANPETLA PART-I,
P.O. UJANPETLA
P.S. TAMARHAT
DIST. DHUBRI, ASSAM

2: KARTIK CH. ROY
S/O BAIKUNTHA ROY
R/O VILL- BIDYARDABRI PART-III

P.O. MAHAMAYAHAT
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM

3: SONALI ROY
W/O KARTIK CH . ROY
R/O VILL- BIDYARDABRI PART-III
P.O. MAHAMAYAHAT
P.S. GOLAKGANJ
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS. K DEVI

Advocate for the Respondent : PP, ASSAM

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

ORDER

06.11.2023

Heard Ms. K. Devi, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, 1. Suchitra Bala Roy, 2. Kartik Ch. Roy and 3. Sonali Roy who are apprehending their arrest in connection with Tamarhat P.S. Case No. 120/2023 under Sections 120B/109/498A/313/201 of the Indian Penal Code corresponding to G.R. Case No. 1490/2023.

The gist of accusation in this case is that one Smti. Monika Roy, on 06.09.2023 lodged an FIR before the Officer-In-Charge of Tamarhat Police Station, *inter-alia*, alleging that she was married to one Champak Kumar Roy who has been arrayed as accused No. 1 in the FIR and after her marriage she was subjected to cruelty and when she became pregnant she was administered medicine by the accused persons including the present petitioners which caused termination of her pregnancy.

Learned counsel for the petitioners has submitted that the petitioner No. 1 Smti. Suchitra Bala Roy is the mother-in-law of the complainant and she is suffering from cancer.

The learned counsel for the petitioners has submitted that the petitioner No. 2 is the brother-in-law of the complainant and the petitioner No. 3 is the sister-in-law of the complainant and it is further submitted that petitioner No. 2 and petitioner No. 3 resides in a different residence and the allegations levelled

against the present petitioners are denied by the learned counsel for the petitioners.

It is also submitted that in the meanwhile, the main accused that is the husband of the complainant has already been arrested.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Tamarhat P.S. Case No. 120/2023 and has submitted that there are incriminating materials against the present petitioners in the case diary.

I have considered the submissions made by learned counsel for both the parties and have perused the case diary.

Considering the fact that the Investigating Officer has already recorded the statement of victim/complainant as well as two other witnesses and also considering the fact that the main accused that is the husband of the complainant has already been detained behind the bars, further considering the fact that the present petitioners are ready to co-operate in the investigation, their custodial interrogation does not appear to be necessary for fair completion of the investigation of this case.

In view of above, the above named petitioners are hereby directed to appear before the Investigating Officer of Tamarhat P.S. Case No. 120/2023 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 Tamarhat P.S. Case No. 120/2023, 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 and shall not directly or indirectly make any inducement threat or promise to the victim/complainant or to any other persons who may be acquainted with the facts of the case so as

to dissuade such person from disclosing such facts to the Investigating Officer.

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

Send back the case diary.

JUDGE

Comparing Assistant