

GAHC010248752023



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

Case No. : AB/3726/2023

BASHAB RAJ HAZARIKA
S/O JITENDER NATH HAZARIKA, RESIDENT OF - ATILAGAON , NA-ALI P.O.
AND P.S- JORHAT, DIST- JORHAT ASSAM.

VERSUS

THE STATE OF ASSAM
(REPRESENTED BY THE PUBLIC PROSECUTOR)

Advocate for the Petitioner : MS. F KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

28.11.2023

Heard Ms. F. Khan, learned counsel for the petitioner. Also heard Ms. S.H. Jahan, learned Additional Public Prosecutor, Assam.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Bashab Raj Hazarika, who is

apprehending his arrest in connection with Tinsukia P.S. Case No. 573/2023, corresponding to G.R. Case No. 1277/2023, under Section 385/306/34 of the Indian Penal Code.

The gist of accusation against the present petitioner is that one Bansamita Das had lodged an FIR on 02.10.2023 before the Officer-In-Charge of Tinsukia Police Out-Post, *inter-alia*, alleging that her husband namely, Bishwajyoti Das had committed suicide by hanging in between 2:50 PM to 3:30 PM on the said date, that is, on 02.10.2023 and after the death of the first informant, a suicide note was found from his possession, wherein, the deceased had implicated some persons for compelling him to commit suicide and the name of the present petitioner is also mentioned in the same suicide note.

Learned counsel for the petitioner has submitted that the only allegation against the present petitioner in the suicide note is that the suicide note mentions that the present petitioner used to cause disturbances to the deceased before his death.

It is also submitted by the learned counsel for the petitioner that in the suicide note, more serious allegations are levelled against some of the other co-accused namely, Pankaj Jyoti Baruah, Rintu Saikia, Bikesh Singh, Sanjeev Das and one Neeta Bou.

It is further submitted by the learned counsel for the petitioner that in the meanwhile, the other co-accused namely, Pankaj Jyoti Baruah, Rintu Saikia and Bikesh Singh have already been granted anticipatory bail by the Court of learned Additional Sessions Judge FTC No. 2, Tinsukia.

On the other hand, learned Additional Public Prosecutor has placed the case diary of Tinsukia P.S. Case No. 573/2023, which was called for in connection with this case and has submitted that the copy of suicide note which

is available in the case diary shows that in the suicide note the deceased has made an implication against the present petitioner only to the extent that the present petitioner used to cause disturbances to the deceased.

It is also submitted that the deceased had taken loan from many persons including the other accused persons and one of the co-accused persons namely, Pankaj Jyoti Baruah had obtained signatures of the deceased on stamp paper to the effect that the deceased took Rs. 32,50,000/- loan from the said Pankaj Jyoti Baruah, who has already been granted interim anticipatory bail by this Court.

Considering the nature of implications levelled against the present petitioner in the suicide note in the case diary.

Considering the fact that the suicide note has already been seized and the Investigating Officer has recorded the statement of some of the relevant witnesses under Section 161 of the Code of Criminal Procedure, 1973 as well as considering the fact that three of the co-accused who are specifically named in the suicide note of the deceased are already on bail, custodial detention of the present petitioner does not appear to be necessary, if he co-operates with the Investigating Officer in fair completion of the investigation of Tinsukia P.S. Case No. 573/2023.

In view of above, the petitioner, namely, Bashab Raj Hazarika, is hereby directed to appear before the Investigating Officer of Tinsukia P.S. Case No. 573/2023 within a period of 10(ten) days from the date of this order and co-operate in the investigation. If he does so, within the stipulated period of time, in the event of his arrest in connection with Tinsukia P.S. Case No. 573/2023, the above named petitioner shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting

authority, subject to the conditions that:-

(i) the petitioner shall not directly or indirectly make any inducement threat or promise to the victim 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 before the Investigating Officer or to any Court; and

(ii) the petitioner shall co-operate in the investigation.

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

Send back the case diary.

JUDGE

Comparing Assistant