

GAHC010248872022



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

Case No. : AB/3611/2022

BONGPI BEYPI @ RUPJILI BEYPI AND ANR
W/O SRI DEBOJIT RONGHANG
R/O INGLONG CHEROP,
P.S. DIPHU
DIST. KARBI ANGLONG, ASSAM

2: SMTI. MILI BEYPI @ HUNMILI BEYPI
W/O SRI BORSON TIMUNG
R/O RONGPANBONG
P.S. DIPHU
DIST. KARBI ANGLONG
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

25-04-2023

Heard Mr. H. Ali, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioners, namely, 1) Smti. Bongpi Beypi @ Rupjili Beypi & 2) Smti Mili Beypi @ Hunmili Beypi, who are apprehending their arrest in connection with Diphu P.S. Case No.104/2022 registered under Sections 306/34 of the IPC.

An FIR dated 24.11.2022 was lodged by the informant alleging that on 23.11.2022 while her daughter was visiting a patient in Diphu Medical College & Hospital, Diphu, around 20 people came and started assaulting and beating her and threatening her to life in the hospital ward room itself.

It is alleged that the petitioners are part of the said group. After the said incident, the victim was found hanging in her own residence at around 4 PM on 23.11.2022 and accordingly, the FIR has been lodged.

This Court has called for the case diary along with the FSL report.

The case diary along with the FSL report and post-mortem report has been produced before this Court today.

On perusal of the case diary it is seen that the cause of the death as per the post-mortem report was kept pending till receipt of the chemical examination report from DFSL, Khilipara and pathology examination report from Pathology Department, DMCH, Diphu. The FSL report dated 13.03.2023 reveals

that no poison was detected in the exhibits presented.

The matter is under investigation. However, no materials are available on the case diary to suggest that grant of the bail may result in any impediment to the investigation carried on by the Police in respect of the case.

Accordingly, on perusal of the case diary and upon hearing the learned counsel, this Court is inclined to grant bail to the petitioner by allowing the Anticipatory Bail application.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with the above noted case, they shall be released on interim pre-arrest bail upon furnishing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with 1 (one) local surety of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioners shall appear before the investigating Officer within 10 (ten) days from today;
- (ii) That the petitioners shall not hamper or tamper with the investigation in any manner;
- (iii) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police office; and
- (iv) That the petitioners shall not change their residence without obtaining prior written permission from the concerned investigating officer of the case.

In the event, the petitioners are found to have violated any of the above

conditions or are found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioners.

The Anticipatory Bail petition stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant