

GAHC010249842023



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

Case No. : Bail Appln./4111/2023

NILIM AKASH MEDHI
S/O LT. DR. ASWINI KR. MEDHI
R/O CHOYALI POLY ROAD,
P.S. NAGAON
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 23.11.2023

Heard Mr. D. Medhi, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Nilim Akash Medhi, who has been

detained behind the bar since 14.09.2023 (last 71 days) in connection with Paltan Bazar P. S. Case No. 405/2023 under section 304B of the IPC.

The gist of accusation against the present petitioner is that on 13.09.2023 one Smt Sneha Lata Duarah lodged an FIR before the officer-in-charge of Paltan Bazar Police Station, *inter-alia*, alleging that the daughter of the first informant was married to the present petitioner and after the said marriage she was subjected to torture and on 12.09.2023 the informant came to know that her daughter died on 11.09.2023 at about 08.08 PM.

Learned counsel for the petitioner submits that the petitioner has been detained behind the bar for last 71 days and hence, considering the period of detention he may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Paltan Bazar P. S. Case No. 405/2023 and has submitted that from the postmortem examination report available in the case diary the cause of death is found to be as a result of the anti-mortem hanging, however, the viscera of the deceased has been sent for chemical examination to the FSL. It is further submitted that though the witnesses who are the family members of the deceased have implicated the present petitioner, however, the independent witnesses whose statement were recorded under Section 161 of the Code of Criminal Procedure, 1973, have not stated anything about subjecting the deceased to torture by the present petitioner and the demand of dowry to her as alleged in the FIR.

Considering the progress made in the investigation as well as considering the period of detention already undergone by the present petitioner i.e., 71 days, further custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation of Paltan Bazar P. S. Case No.

405/2023.

Hence, the petitioner, namely, Nilim Akash Medhi is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with the condition that he shall co-operate in the investigation.

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

Send back the case diary.

JUDGE

Comparing Assistant