

GAHC010255292023



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

Case No. : Bail Appln./4156/2023

HIRAK JYOTI PATHAK @ HIRAKJYOTI PATHAK
S/O SRI SARBANANDA PATHAK
R/O H/N 6, PUBERUN PATH
BHAGHARBORI, P.S. SATGAON
DIST. KAMRUP (METRO),
PIN-781037

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

17.11.2023

Heard Mr. N.K. Kalita, learned counsel for the accused and Mr. K.K. Parasar, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, **Hirak Jyoti Pathak @ Hirakjyoti Pathak**, who has been languishing in jail hazot in connection with the **Satgaon P.S. Case No. 204/2023**, under Sections 498[A]/307 of the IPC

read with Sections 3/5 of the Protection of Women from Domestic Violence Act, for granting bail.

3. The aforementioned case has been registered on the basis of one FIR lodged by Smti 'X' [name withheld], on 02.11.2023. The essence of allegations made in the FIR is that she got married with one HIRAK JYOTI PATHAK on 08.07.2022, and thereafter, they started living as a husband and wife in the house of HIRAK JYOTI PATHAK and after the marriage her husband and her family members subjected her to both physical and mental cruelty and on 31.10.2023, her husband and her mother-in-law assaulted her and also poured kerosene oil over her and attempted to set her on fire.

4. Mr. Kalita, learned counsel for the accused submits that the accused was arrested on 03.11.2023, and since then he has been languishing in jail for last 14 days. Mr. Kalita further submits that basically the allegation is against the mother-in-law of the present accused and she has already been enlarged on pre-arrest bail by this Court, vide order dated 14.11.2023, and that the present accused is innocent and no way involved with the offence alleged in the FIR and therefore, it is contended to enlarge the accused on bail.

5. On the other hand, Mr. Parasar, learned Additional Public Prosecutor, opposed the petition by contending that there are sufficient materials on the record to show his complicity with the offence alleged.

6. Having heard the submission of learned Advocates for both sides, I have carefully gone through the petition as well as the documents placed on record.

7. Considering the period of detention and balancing the same with the nature of accusation as well as the punishment prescribed for the same and also

considering the submission of learned Advocates for both sides, this Court is of the considered opinion that further custodial detention of the accused seems to be not required in the interest of investigation.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

Comparing Assistant

JUDGE