

GAHC040015142024



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

Case No. : BA/114/2024

Bijendra Sonowal @ Kamal Sonowal
Son of Jatin Sonowal, resident of Village Kumari Kachari Village, PO Kumari, PS
Mahadevpur, Namsai District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : M Biswas, 2 J Singpho, R Taku

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 04-12-2024

Heard Mr. M. Biswas, learned counsel for the applicant and Ms. L. Hage, learned Additional Public Prosecutor for the State.

2. The applicant by way of instituting the present application under Section 483 of the BNSS, 2023 has prayed for grant of bail in connection with Mahadevpur P.S. Case No. 21/2024 under Section 80 of the BNS, 2023.

3. The facts of the case is that one Monubhadra Sonowal had lodged an FIR

on 06.09.2024 before the Officer-in-Charge, Mahadevpur Police Station, *inter alia*, alleging therein that his daughter, namely, Smti Bornali Sonwal, who was married to the applicant herein was subjected to torture by the applicant and his family members. It is further alleged therein that on 06.09.2024, he came to learn from his daughter's uncle-in-law that his daughter was found dead in the backyard of their house. The police on receipt of the said FIR, proceeded to register Mahadevpur P.S. Case No. 21/2024 under Section 80 of the BNS,2023.

4. The applicant herein was arrested on 06.09.2024 in connection with the Mahadevpur P.S. Case No. 21/2024 and has been in custody thereafter. The applicant, as on today has completed 89 days in custody.

5. This Court had required the Additional Public Prosecutor appearing in the matter to receive instructions as to the stage of the investigation of the case and as to whether any chargesheet has been filed in the matter.

6. The learned Additional Public Prosecutor has placed on record a status report submitted by the investigating officer of the case and therein it has been highlighted that the investigation was at an advance stage, however, chargesheet could not be filed inasmuch as the CFSL report pertaining to the examination of the Viscera of the deceased has not been received.

7. In view of the above position and also noticing the advance stage of the investigation as well as the length of detention of the applicant herein, this Court is of the view that applicant herein is entitled to be enlarged on bail.

8. Accordingly, the applicant herein shall be enlarged on bail on furnishing a bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of like amount to the satisfaction of the learned Judicial Magistrate, First Class, Namsai, Arunachal Pradesh with the following conditions:

- (i) That the accused applicant shall not leave the jurisdiction of the learned Judicial Magistrate, First Class, Namsai, without prior permission.
- (ii) That the accused applicant 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 officer.
- (iii) The accused shall appear before the Investigating officer as and when called for and fully co-operate in the investigation of the case.
- (iv) If any of the above mentioned conditions is violated, it would be open to the investigating officer to approach the appropriate forum for cancellation of the privilege of bail as granted to the accused applicant by this Court.

9. In view of the above, this Bail Application stands disposed of.

JUDGE

Comparing Assistant