

GAHC010006082024



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

Case No. : AB/92/2024

PUNAM BORO @ PUNAM NATH
W/O SRI RAJESH KR. HIMATSINGKA
R/O HOUSE NO. 10, KAMAKHYA NAGAR,
DINESH OJHA RAJGARH
P.S. BHANGAGARH
DIST. KAMRUP (M), ASSAM,
PIN-781101

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. SK N MOHAMMAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-02-2024

Heard Mr. SK S.N. Mohammad, learned counsel for the petitioner Punam Boro @ Punam Nath, Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent No. 1 and Mr. M. Biswas, learned counsel for the informant.

2. The petitioner has filed this application under Section 438 of the Code of

Criminal Procedure, 1973 with prayer for anticipatory bail as she is apprehending arrest in connection with Bhangagarh Police Station Case No. 254/2023 under Sections 384/427/323/506/307 of the Indian Penal Code read with Section 67 of the IT Act, 2000, Section 7 of Immoral Traffic (Prevention) Act, 1956.

3. The FIR unfolds that the informant is the husband of the petitioner. He has alleged that the petitioner runs a drug racket and immoral trafficking racket. The petitioner is also involved in blackmailing innocent persons. She has been involved in extortion by blackmailing innocent persons and the informant was one such victim. On 29.07.2023 at about 11 P.M., a girl and a boy visited the petitioner who was staying with the informant and they consumed drugs and were caught in immoral activities. When the informant protested, the petitioner on 30.07.2023 ransacked the house and attempted to kill the informant. On 10.08.2023, the petitioner suddenly attacked the informant who was sleeping and demanded money for purchasing drugs. It is submitted that the informant is a kidney patient and has to take insulin regularly. It is also alleged that once the petitioner administered poison in the informant's milk with an attempt to commit murder. It is stated that both are staying separately as it is not possible for the informant to stay with the petitioner. The informant has also brought up a case for dissolution of marriage by way of a divorce case against the petitioner.

4. It is also submitted by the learned counsel for the informant that the petitioner suddenly enters into the house in the wee hours of the morning and threatens the informant. She had ransacked the entire house and destroyed the household materials and washroom.

5. I have perused the case diary. The case diary reveals that investigation is

almost complete and on the appearance of the petitioner, charge sheet may be submitted. It is submitted on behalf of the petitioner that she was very young when she got married to the informant who is 77 (Seventy Seven) years old. The petitioner was only 22 (Twenty Two) years old when she got married and at present she is 27 (Twenty Seven) years old. The petitioner is willing to abide by any bail conditions if she is enlarged on bail. She has also agreed not to go near the vicinity of the informant.

6. Considering the submissions at the bar, I deem it proper to allow the petition. In the event of her arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Thirty Thousand)* with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

- i) The petitioner shall refrain from going near the vicinity of the informant till completion of investigation as well as till completion of trial*
- ii) The petitioner shall not exercise threats to the informant.*
- iii) The petitioner shall not tamper with the evidence and exercise threats to the witnesses.*
- iv) The petitioner shall appear before the Investigating Officer within ten days and cooperate with the investigation.*

7. On breach of any bail conditions, bail order shall stand cancelled.

Send back the case diary.

In the above terms this Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant