

GAHC010007692024



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

Case No. : AB/115/2024

CHARUBALA DAS
W/O LATE RAMESH DAS
R/O VILL-NARAYANPUR
P.S. TAMULPUR
DIST. TAMULPUR (BTR), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

06.02.2024

Heard Mr. B. Chowdhury, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Tamulpur P.S. Case No. 282/2023 corresponding to G.R.No.1098/2023, under Sections 304(B)/34 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Chowdhury, that the present petitioner is 75 years old lady and she is not at all involved in the alleged offence. However, being the mother-in-law of the deceased, there is an apprehension of arrest and accordingly, she filed the present anticipatory bail application. He also submits that after obtaining the interim pre-arrest bail, the petitioner appeared before the I.O. and co-operated in the investigation of this case as well as recorded her statement under Section 161 Cr.P.C. More so, as she has already co-operated with the I.O. and also considering the nature of offence, her custodial interrogation is not at all necessary in this case and accordingly, it is prayed to make the interim pre-arrest bail order as absolute.

In this context, Mr. Das, learned Additional Public Prosecutor has submitted that as per the order of pre-arrest bail dated 12.01.2024, the accused/petitioner had appeared before the I.O and her statement has already been recorded under Section 161 of Cr.P.C. It is also seen that the petitioner is co-operating with the I.O in further investigation of the case. However, the Case Diary reveals that the I.O. has collected some materials against the present petitioner and accordingly, he raised objection on the prayer made by the learned counsel for the petitioner.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case, nature of allegation as well as the conduct and age of the accused/petitioner and further, considering the fact that the accused/petitioner appeared before the IO and co-operated with the investigation of this case, I find it appropriate to extend the privilege of pre-arrest bail to the petitioner, namely Smti. Charubala Das. Thus, the order passed by this Court dated 12.01.2024, in connection with Tamulpur P.S. Case No. 282/2023 corresponding to G.R.No.1098/2023, under Sections 304(B)/34 of the Indian Penal Code is hereby made absolute with same terms and conditions.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant