

GAHC010015302024



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

Case No. : AB/187/2024

MAHIRAN NESSA @ MOHIRAN NESSA
W/O SAHANUR MOLLAH
R/O VILL- HALDIBARI
P.O. AND P.S. BAGUAN
DIST. GOALPARA, ASSAM
PIN-783129

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 06-03-2024

Heard Mr. H.R.A. Choudhury, learned senior counsel assisted by Mr. Z.H. Ahmed, learned counsel for the appellant. Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam, appearing for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for granting Anticipatory Bail to the petitioner, i.e. Mahiran Nessa @ Mohiran Nessa, who is apprehending arrest in connection with Baguan P.S. Case No. 73/2023 corresponding to G.R. Case No. 1471/2023 registered under section 302/326/307/34 of IPC.

The facts of the case is that on 09.12.2023 an F.I.R. was lodged alleging that there was a quarrel between the FIR mentioned persons and the informant's mother-in-law regarding the breaking of the paddy through tractor and pursuant to the said quarrel, the FIR mentioned accused persons called the informant's husband to their house and gave him a blow with a sharp weapon in his chest causing grievous injuries. He ultimately succumbed to his injuries. Accordingly, a case was registered.

Mr. H.R.A. Choudhury, learned senior counsel submits that the petitioner who is the wife of the FIR mentioned accused No. 1 is unnecessarily being dragged into the matter and she has no role whatsoever to play in the alleged offence.

Mr. K.K. Parasar, learned Addl. P.P submits on the basis of the materials available in the case diary, that the two witnesses, who had witnessed the incident, have stated in their statement recorded under section 161 Cr.P.C., that they have not seen the petitioner assaulting the victim.

I have heard the submissions made at the bar and have perused the materials available on record.

Considering the fact that there are no adverse materials collected against the present petitioner, this Court is of the opinion that custodial interrogation of the petitioner may not be required in the interest of the ongoing

investigation of the case.

Accordingly, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest bail in connection with above noted case on furnishing a bail bond of Rs. 30,000/- (Rupees thirty thousand) only, with one suitable surety of like amount to the satisfaction of the arresting authority subject to the following conditions:

1. That the petitioner shall co-operate with the investigation and shall appear before the Investigating Officer within 15 days failing which and on the 16th day the pre-arrest bail order shall have no force.
2. The petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending trail.

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

JUDGE

Comparing Assistant