

GAHC010040952024



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

Case No. : AB/534/2024

ARUNAV CHOUDHURY
SON OF LATE HARI CHARAN CHOUDHURY, RESIDENT OF FARM GATE,
JANA PATH, KHANAPARA, HOUSE NO. 52, PS- DISPUR, P.O.- KHANAPARA,
DISTRICT- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR S P DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

12.03.2024

Heard Mr. S.P. Das, learned counsel for the petitioner. Also heard Mr. K.K. Parashar, learned Addl. P.P, Assam.

This is an application under Section 438 of Cr.PC, 1973 for granting of pre-

arrest bail to the petitioner, namely Arunav Choudhury, who is apprehending arrest in connection with Dhakuakhana P.S Case No. 148/2023 registered under Sections 306/34 of IPC arising out of FIR lodged by Smti. Mousumi Boruah dated 29.12.2023.

The case of the prosecution is that on 29.12.2023, an FIR was lodged by the wife of the deceased alleging inter alia that since her husband/deceased did not received his salary for last 23 months from the FIR mentioned accused No. 2 (petitioner herein) and upon asking his salary, the accused No. 1 drove him by threatening and beating him. Thereafter, he committed suicide by recording a video, wherein he stated the above.

Mr. S.P. Das, learned counsel for the petitioner submits that the petitioner is the owner of the vehicle of which the deceased was a driver. He further submits that there is no pending salary required to be paid to the deceased.

Mr. K.K. Parashar, learned Addl. P.P fairly submits on the basis of the materials available in the Case Diary that the bank statement of the deceased shows that he has received salary upto September, 2023. He further submits that the video recording of the deceased prior to taking his life indicates that he has stated that the co-accused had threatened him and had refused to pay his salary.

Considering that there are no adverse materials available at this stage against the present petitioner, this Court is of the considered view that custodial interrogation of the petitioner is not justified for the on-going investigation.

Accordingly, it is provided that in the event of arrest, the petitioner named

above, shall be released on pre-arrest bail in connection with the above noted case on furnishing bail bond of Rs. 15,000/- with one surety of like amount to the satisfaction of the arresting authority, subject of course to the following conditions:-

- (i) That the petitioner shall appear before the Investigating Officer within 7 days, failing which on and from the 8th day, he shall be arrested.
- (ii) That the petitioner 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.

With the above observation and direction, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant