

GAHC010043712024



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

Case No. : AB/563/2024

MINTU BORUAH @ MINTU BARUAH
SON OF HOMESWAR BORUAH, RESIDENT OF VILLAGE- NO.3 KAKI, P.O.-
SANKARPUR, DISTRICT- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. M DUTTA

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

13.06.2024

Heard the learned counsel Mr. A. Baruah appearing for the petitioner. Also heard Mr. B. Sarma, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC in respect of Dispur P.S. Case No.131/2024, registered under Sections 341/323/356/379/325/354B/427/342 of the Indian

Penal Code read with Section 67A of the Information Technology (as Amended) Act, 2008 (corresponding to G.R. No.924/2024).

3. The occurrence of this case is a quarrel between the two women. The present petitioner is the husband of one of those two women.

4. The other woman has alleged that this petitioner had instigated the other women to quarrel with her.

5. Therefore, on the basis of the FIR, police registered the case under the aforesaid sections.

6. The case diary reveals that there are no materials against the present petitioner. The case diary reveals that the petitioner was not even present at the time of occurrence. Therefore, he does not deserve to be detained in custody. Pre-arrest bail application of the petitioner is allowed.

7. It is hereby directed that in the event of arrest in connection with Dispur P.S. Case No.131/2024, registered under Sections 341/323/356/379/325/354B/427/342 of the Indian Penal Code read with Section 67A of the Information Technology (as Amended) Act, 2008 (corresponding to G.R. No.924/2024), the petitioner, namely- Mintu Boruah @ Mintu Baruah, he shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of arresting authority.

8. With the above direction, the application for bail is disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant