

GAHC010051472024



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

Case No. : AB/643/2024

SRI SONGHROM KOIRI @ SRI SANGRAM KOIRI
S/O SRI BHARAT KOIRI, R/O TENGA KHUSH GAON, MORAN, DIST-
DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A K GUPTA

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

20.03.2024

Heard Mr. R.S. Mishra, learned counsel appearing for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure,

1973 for granting anticipatory bail to the petitioner, namely **Sri Songhrom Koiri @ Sri Sangram Koiri**, in connection with **Moran P.S. Case No. 19/2024**, registered under Sections **306** of the Indian Penal Code, 1860, corresponding to G.R. Case No. 216/2024.

3. The case of the prosecution in brief is that on 21.02.2024, the deceased went to the market and did not returned back from the market. The informant, upon inquiry being made, came to know that she attempted to commit suicide by consuming pesticide. It is further allegation of the prosecution that the petitioner by giving allurements of love committed physical and mental harassment upon her for which she had consumed pesticide.

4. Mr. R.S. Mishra, learned counsel for the petitioner submits that on 21.02.2021, while he was passing through the market he saw the deceased lying in the market and accordingly, took her to the medical centre and also informed her family members.

5. Mr. P. Borthakur, learned Addl. P.P. on the other hand opposes the prayer of anticipatory bail.

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

7. It appears from the statements of the witnesses recorded by the investigating officer under section 161 Cr.P.C during investigation that the petitioner and the deceased had a history together and thereafter, the petitioner had broken all terms with the deceased and for which the deceased had visited his shop and consumed pesticide. It further appears that the investigation has substantially progressed.

8. Considering the facts and circumstances of the case, this Court is of the

considered view that custodial interrogation of the petitioner may not be required for the ongoing investigation.

9. 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. 30,000/- with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions-

(i) That the petitioner shall appear before the investigating officer within 10 days, failing which on and from the 11th day, the pre-arrest bail order has no force; and

(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, and that the petitioner shall refrain from such activities with which he has alleged.

(iii) That the petitioner shall refrain from such activities from which he is alleged.

10. Return the case diary.

11. This disposes of anticipatory bail application.

JUDGE

Comparing Assistant