

GAHC010051702024



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

Case No. : Bail Appln./718/2024

JULI DAS
WIFE OF RAJESH SARKAR, R/O HOCKEY STADIUM, HOUSE NO. 21,
KETAKUCHI, PO AND PA BASISTHA, KAMRUP METRO, GUWAHATI, PIN
781028

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MS P SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

22.03.2024

1. Heard Mr. D.J. Haloi, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P. for the State respondent and Ms. J. Barman, learned

counsel for the informant.

2. This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioner, namely, **Juli Das**, who was arrested on 03.03.2024 in connection with **Basistha P.S. Case No. 132/2024**, registered under Sections **294/448/323/354/326/34 of IPC**.

3. The case of the prosecution in brief is that on 02.03.2024, an FIR was lodged alleging inter-alia that on 01.03.2024, when the informant and her husband was in her rented house, the tenant of neighboring compound, namely, Rakesh Das and his wife (petitioner herein) started yelling/abusing in drunken condition and when the informant's husband called the owner of the said house to complaint about them, the petitioner entered into the informant's room and dragged the informant out from her room and started to assault her. It is further case of the prosecution that when the husband of the informant came out to stop her, she kicked him on the belly. It is further case of the prosecution that the petitioner also pulled the informant in the dark place and beaten on her lips.

4. Mr. D.J. Haloi, learned counsel for the petitioner submits that the petitioner is no way involved with the offence alleged and has been falsely implicated. He further submits that the allegations made in the FIR after thought. He further submits that the petitioner has no previous bad records and no criminal case is pending against the petitioner. He further submits that there are no chance of the petitioner absconding and or flee from justice.

5. Mr. K.K. Parasar, learned Addl. P.P. for the State respondents strongly opposes the prayer for bail. He submits that the materials available on the record especially from the case diary that there are materials implicating the accused for the offence alleged. He further submits that the statements of the

witnesses and the victim and the accused have already been recorded under Section 161 Cr.P.C. He submits that from the statements of the witnesses it appears that the petitioner has assaulted the victim.

6. Ms. J. Barman, learned counsel for the informant has also submitted before this Court that the accused-petitioner has assaulted the victim in her lips grievously by biting.

7. I heard the submission made at the Bar and I have perused the materials available on record.

8. It further appears that the investigation has substantially progressed. It appears that there are no materials available on the case diary to indicate anything adverse as regards the antecedent of the petitioner. Further, there is nothing available in the records to indicate that the petitioner is likely to flee from justice. It is well settled that the bail is not punitive. The object of bail is to secure the appearance of the accused at the trial by a reasonable amount of bail.

9. Considering the facts and circumstances of the case, vis-a-vis Article 21 of the Article of the Constitution of India, this Court is of the considered view that further detention of the petitioner may not be justified for the ongoing investigation.

10. Accordingly, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case on furnishing bail bond of **Rs.20,000/- (Rupees twenty Thousand) only** with one surety of like amount to the satisfaction of the learned **CJM, Kamrup (M), Guwahati.**

11. The bail granted to the petitioner shall be subject to the following conditions-

- i) The petitioner shall co-operate with the investigation,
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

12. With the above observation, this bail application stands allowed.

13. This disposes of the bail application.

Send back the case diary.

JUDGE

Comparing Assistant