

GAHC010051882024



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

Case No. : Bail Appln./719/2024

ANJALI SHAW
D/O LATE SHIB SHANKAR SHAW,
RESIDENT OF VILLAGE SARAT PALLY, SOUTH BAKSARA, PS
SANTRAGACHI, DIST HOWRAH, WEST BENGAL.

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 09.04.2024

Heard Mr. S. Nawaz, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been arrested in connection with Jalukbari P.S. Case No. 53/2024, under Sections 302/34 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. S. Nawaz, learned counsel for the petitioner, that it is a fact that on the day of incident, the present accused/petitioner was staying in a hotel room along with the deceased. The actual fact is that earlier the accused/ petitioner had a relationship with the co-accused Vikash Kumar Shaw, but she had developed intimacy with the deceased. However, after sometime she came to know about the actual nature of the deceased who started blackmailing her by showing some intimate photographs of her and accordingly she broke her relationship with the deceased and again entered into relationship with co-accused Vikash Kumar Shaw. Thereafter the deceased repeatedly tried to harass and blackmail her by showing her intimate photographs. Accordingly she asked him to settle the matter by taking the photographs, but the deceased

refused to give the photographs and during that altercation, she pushed the deceased and he fell down on the ground and sustained injury and died subsequently. But, out of fear, she fled from the hotel room. Thus, it is admitted by the accused/ petitioner in regards to her presence in the hotel at the relevant time of incident, however, she had no intention to kill the deceased. The learned counsel for the petitioner further submitted that the accused/ petitioner is behind the bar for last 64 days and thus, the I.O. got ample opportunity to interrogate her keeping her in custody and hence, further custodial interrogation may not be necessary in this case.

In this context, Mr. K. K. Parasar, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present accused/petitioner and as per the report of the Doctor, the death is homicidal in nature which was caused due to asphyxia as a result of antemortem closure of mouth and nostrils. However the viscera and blood were sent for FSL. It is also stated in the Post-Mortem report that all the injuries were fresh and caused by blunt object and the death is caused by asphyxia by closure of mouth and nostrils. Further, the learned Additional Public Prosecutor has submitted that the accused also, in her statement recorded under Section 161 Cr.P.C., admitted as to how she committed the murder of the deceased. However, he submitted that the accused/petitioner is behind the bar for last 64 days and there is sufficient progress in the investigation of the case though some chemical analysis report and FSL report were not received by the I.O.

Considering the submissions made by the learned counsels for both sides, incriminating materials available in the Case Diary and the cause of death of the

deceased which is homicidal in nature caused due to asphyxia as a result of closure of mouth and nostrils, I do not find it a fit case to extend the privilege of bail to the accused/petitioner at this stage and accordingly, the same stands rejected.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant