

GAHC010051912024



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

Case No. : AB/672/2024

DINESH NAMASUDRA AND 2 ORS.
S/O LT. RAMESH NAMASUDRA, R/O BONDA COLONY, P.S.-
PRAGJYOTISHPUR, GUWAHATI CENTRAL, ASSAM, PIN-781026

2: ASHUTOSH NAMASUDRA
S/O DINESH NAMASUDRA
R/O BONDA COLONY
P.S.-PRAGJYOTISHPUR
GUWAHATI CENTRAL
ASSAM
PIN-781026

3: SUNITA NAMASUDRA
D/O DINESH NAMASUDRA
R/O BONDA COLONY
P.S.-PRAGJYOTISHPUR
GUWAHATI CENTRAL
ASSAM
PIN-78102

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

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

22.03.2024

Heard Mr. P.H. Konwar, learned counsel for the petitioners. Also heard Mr. K.K. Parashar, learned APP for the State respondent.

This is an application under Section 438 of CrPC, 1973 seeking anticipatory bail to the petitioners i.e. 1) Sri Dinesh Namasudra 2) Ashutosh Namashudra 3) Sunita Namasudra, who are apprehending arrest in connection with Pragjyotishpur PS Case No. 39/2024 registered under Section 498A/326/307/506/34 of IPC.

The case of the prosecution is that the informant's husband/co-accused on 03.03.2024 took up a sharp weapon and tried to end her life. It is the further case of the prosecution that the informant husband tried to cut her right as well as left hand and on the other parts of the body.

It is further alleged that the informant husband's family was mentally tortured her on the demand of money.

Mr. P.H. Konwar, learned counsel for the petitioners submits that the petitioners are the family member of the husband of the informant and has no role to play in the offence alleged. He further submits that the husband of the informant against whom the allegations are given is already in custody.

Mr. K.K. Parashar, learned APP for the State respondent submits that the informations collected by the case IO at this stage does not indicate any adverse materials against the petitioners.

I have considered the submissions made at the bar and I have perused the

materials available on records.

It appears that there are no adverse materials at this stage available against the petitioners.

Considering the facts and circumstances of the case, this Court is of the considered view that custodial interrogation may not be necessary for the ongoing investigation.

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

i) That the petitioners shall appear before the Investigating Officer within 10 days, failing which on and from the 11th day, the interim-pre arrest bail order shall have no force;

ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

iii) That the petitioners shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observations and directions, the Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant