

GAHC010059452024



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

Case No. : Bail Appln./828/2024

SNEHASHISH SHARMA @ SNEHASHISH SHARMA
S/O BASU DEV SHARMA
R/O HOUSE NO. 67, BYE LANE- 05, NARENGI HOUSING COLONY, P.S.
NOONMATI, GUWAHATI-26, DIST. KAMRUP(METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 27.03.2024

Heard Mr. B.K. Mahajan, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C. praying for bail by the petitioner namely Snehashish Sharma @ Snehashish Sharma in connection with Dispur P.S. Case No.228/2024 under

Section 306 IPC.

Case diary is received. Perused the case diary.

It is submitted by Mr. B. Mahajan, learned counsel for the petitioner that it is a fact that both the deceased and the present accused petitioner were in love relationship and the FIR was lodged only on suspicion as because the petitioner was in relationship with the deceased girl and prior to her death also they were on constant talking terms. But there is no ingredients in the FIR that there was any abatement from the accused/petitioner for committing suicide by the deceased. The FIR was lodged only on suspicion and he got arrested in connection with this case on 16.03.2024 and since then, he is behind the bar.

Further the learned counsel for the petitioner also submits that the petitioner is only 19 years old and presently is a student of Class-XII of Delhi Public School, Guwahati and he may lose his one academic year if he is further detained.

Further he submits that the petitioner being a permanent resident of his locality, there is no chance of absconding, if he is enlarged on bail rather, he is ready to appear before the Investigating Officer as and when his cooperation is needed by the Investigating Officer.

Mr. D. Das, learned Additional Public Prosecutor has submitted that as per the materials it is seen that the deceased and the present petitioner were in a relationship and they used to quarrel with each other as the present petitioner suspected the deceased having relationship with other boy and in similar manner, the deceased suspected the present petitioner having relationship with other girl and that is the reason for the quarrel between the accused/petitioner and the deceased. Apart from that there is no such other ingredient to attract Section 107 IPC for abating the deceased committing suicide which is required under Section 306 IPC.

Considering the submission made by the learned counsel for both sides and the materials available on record, I find that further custodial interrogation of the present petitioner is not required and accordingly, I find it a fit case to allow the above named accused petitioner to go on bail of Rs.20,000/- with one surety of the like amount to the satisfaction of the learned CJM, Kamrup(M) Guwahati subject to the following conditions:

- i) That the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- 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

iii) That the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup(M) Guwahati without prior permission.

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

Return the case diary.

JUDGE

Comparing Assistant