

GAHC010063212024



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

Case No. : AB/798/2024

MAYURAKSHA BHARADWAJ
S/O LT. MADAN CHANDRA SARMA, R/O WARD NO. 4, BISHNU RABHA
PATH, DERGAON, DIST-GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P KATAKI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 08.04.2024

Heard Mr. P. Kataki, 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 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, namely Sri Mayurakshya Bharadwaj, who is apprehending arrest in connection with Borhat P.S. Case No.06/2024 under

Section 302 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and he is not involved in the alleged offence. It is a fact that the deceased used to come to office in drunken state and for which he scolded the victim. It is also submitted by the learned counsel for the petitioner that he has not done anything to the deceased. As per the information, he died due to choking of betel nut while he was coming by a train. However, the accused is ready to appear before the I/O and will cooperate in further investigation of the case, if he is granted with the privilege of pre-arrest bail.

In this connection, learned Additional Public Prosecutor has submitted that from the case diary it is seen that there is some allegation of assault against the accused/petitioner. But as per the post mortem report, the death was caused only as a result of chronic coronary insufficiency. More so, in the inquest report, there was no such injury mark found to the deceased. Accordingly, he submits that his custodial interrogation may not be necessary in the present case.

After hearing the submissions made by the learned counsel for both sides and considering the materials available in the case diary, vis-a-vis post mortem report shows that the death was natural death due to chronic coronary insufficiency, hence I find that custodial interrogation may not be necessary for the interest of investigation and accordingly, I find it a fit case to grant the privilege of pre-arrest bail to the petitioner.

Accordingly, it is provided that in the event of arrest of the accused petitioner named above in connection with Borhat P.S. Case No.06/2024 under Section 302 IPC, he shall be enlarged on interim pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) only 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 of the case within a period of 10 (ten) days from today;
- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection

with the investigation of the aforesaid P.S. Case; and

- (iii) 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.

Anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant