

GAHC010095672024



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

Case No. : Bail Appln./1398/2024

KARTIK DUGAR @ KARTIC DUGAR
S/O LATE KAMAL DUGAR
R/O JYOTISH NAGAR,
2ND FLOOR DUGAR PARIWAR
P.S. TEZPUR,
PIN-784006,
DIST. SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

28.05.2024

Heard Mr K N Choudhury, learned Senior Counsel for the petitioner, Sri Kartik Dugar @ Kartic Dugar.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for

bail as he is behind bars since 06.04.2024, in connection with Tezpur PS Case No. 174/2024, corresponding to GR Case No. 542/2024, under Section 302 IPC.

3. Heard Ms A Begum, learned Additional Public Prosecutor for the State of Assam.

4. The FIR unfolds that a girl committed suicide in a house near Bengali Theatre Hall, Tezpur. The informant along with the staff visited the place of occurrence and found that the helper of the present petitioner was found hanging inside a bedroom from a ceiling fan.

5. It is submitted on behalf of the petitioner that he is a well-established business man in the society and he has been implicated in connection with this case, only on suspicion. He has been behind bars for 55 days. His further custodial detention may not be required for the progress of investigation. He is wrongly booked under Section 302 IPC, as the domestic help had committed suicide.

6. It is submitted on behalf of the petitioner that he is in no way involved in this case.

6.1. He was arrested only on the ground that the domestic help was working in his house for the last 4 years. All his family members were rather shocked by the incident. There were other residents in the house and the blame cannot be directed solely towards the petitioner. At the time of supper, the family members knocked the room of the deceased and when she did not respond she was found hanging inside the room and the door had to be broken.

6.2. The CCTV footage has also been collected from the petitioner's house and this will

reveal the truth. The petitioner is the sole bread winner of his family, who is taking care of his elderly mother and his newly married wife.

7. The learned Additional Public Prosecutor has submitted that although death was opined to be *ante mortem* hanging, yet there were evidence of recent penetration on the private parts of the victim.

8. I have scrutinized the medico-legal report and the opinion of the doctor and the description of wounds- position and character at Column-II under external appearance of the medico-legal report.

9. Histo-pathological examination is still awaited and the FSL Report is also awaited. Investigation is still under progress.

10. At this juncture, I am not inclined to grant bail to the petitioner. Petition is rejected at this stage.

11. Send back the Case Diary.

JUDGE

Comparing Assistant