

GAHC010096762024



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

Case No. : Bail Appln./1402/2024

BACHU DEBNATH
S/O BIRENDRA DEBNATH
R/O VILL- PALDAR,P.S. RATABARI
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. I CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

17.05.2024

Heard Mrs. S. D. Choudhury, 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 on 08.04.2024 in connection with Ratabari P. S. Case No.65/2024 corresponding to G. R. Case No. 552/2024 under Section 304(B) of the Indian Penal Code.

It is submitted by Mrs. Choudhury, learned Counsel for the petitioner that there is nothing in the FIR against the accused/petitioner and the entire allegation has been brought in the FIR is against the husband and brother-in-law of the deceased. As per the FIR, the deceased was physically and mentally tortured by both the accused persons i.e. husband and brother-in-law. In the said FIR, there is no whisper against the petitioner. She further submitted that, though, it is a fact that the accused/petitioner and deceased had talking terms as he has a cloth shop near the house of the deceased and in that context, she used to come in the shop as well as in the house the accused/petitioner. The deceased also had cordial relationship with petitioner's wife, but, there was no such illicit relationship with the deceased as stated in the forwarding report by the IO. More so, he was arrested in connection with this case on 08.04.2024 and thus, considering his length of detention he may be enlarged on bail. Further, he is ready and willing to appear before the I.O. as and when his co-operation will be needed.

In this context, Mr. Parasar, learned Additional Public Prosecutor, has submitted that in the FIR there is no whisper against the accused/petitioner and only in the forwarding report it has been alleged that the accused/petitioner had illicit relationship with the deceased and that may be her cause of suicide. He further submitted that the IO got sufficient time for his custodial interrogation and hence considering the statement made in the FIR as well as considering his length of detention, he may be enlarged on bail.

After hearing the submissions made by the learned counsels for both sides and also considering the entire aspects of the case more particularly the statement made in the FIR and considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him in custody and accordingly, I find that further custodial interrogation of the accused/petitioner seems to be not necessary for the interest of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karimganj, the accused/petitioner, namely, Bachu Debnath, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required and shall produce all the relevant documents in connection with this case, if any;
- (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, Karimganj, without prior permission.

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

JUDGE

Comparing Assistant