

GAHC010097272024



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

Case No. : AB/1272/2024

BHITALI BORA @ VITALI BORA
D/O PRAFULLA BORA, R/O VILL- KHARJAN GAON, P.O.-SALIKIHAT, P.S.-
GOLAGAHT, DIST- GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18.07.2024

- 1.** Heard Mr. A. Bhuyan, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Bhitali Bora @ Vitali Bora who are

apprehending her arrest in connection with Golaghat P. S. Case No.81/2024, under Section 306 of the Indian Penal Code.

3. The gist of the accusation in this case is that on 22.04.2024, one Smt. Ruli Gogoi had lodged an FIR before the Officer-in-Charge of Golaghat Police Station, *inter-alia*, alleging that on 16.04.2024, the brother of the first informant, namely, Abinash Gogoi, consumed poison and ultimately, on 17.04.2024, he died at Jorhat Medical College Hospital.

4. It is alleged in the FIR that the present petitioner who had a relationship with the brother of the first informant had instigated the brother of the first informant to commit suicide.

5. Learned counsel for the petitioner has submitted that the allegations made in the FIR are not true.

6. Learned counsel for the petitioner has submitted that the petitioner was not in relationship with the deceased and it was a one-sided love affair from the side of the deceased and she is married now.

7. On the other hand, learned Additional Public Prosecutor has produced the case diary of Golaghat P.S. Case No. 81/2024 which also contains the alleged suicide note left by the deceased Abinash Gogoi @ Chanku.

8. It is submitted by learned Additional Public Prosecutor that on the suicide note left by the deceased, it appears that he committed suicide as the petitioner had love affair with some other guy and it is alleged that she left the deceased for that guy.

9. I have considered the submissions made by learned counsel for the

parties as well as perused the materials available on record, including the case diary of Golaghat P.S. Case No. 81/2024 as well as the suicide note left by the deceased Abinash Gogoi.

10. On perusal of the content of the suicide note, this Court is of the opinion that prima facie, it cannot be held from the content of the suicide note, that same would constitute an offence of abetment of suicide under Section 306 of the Indian Penal Code.

11. This Court is therefore, of the considered opinion that if the petitioner cooperates with the investigating officer, her custodial detention may not be necessary for fair completion of the investigation of Golaghat P.S. Case No. 81/2024.

12. In view of the Court, in the event of arrest of the above-named petitioner in connection with Golaghat P.S. Case No. 81/2024, the above-named petitioner shall be allowed to go on bail of Rs. 30,000/- (Rupees Thirty 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 co-operate in the investigation.
- ii.** That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

13. With above observation, this anticipatory bail application is hereby disposed of.

14. Send back the case diary.

JUDGE

Comparing Assistant