

GAHC010100682024



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

Case No. : AB/1315/2024

DINESH DAS AND 2 ORS
S/O LATE PABAN DAS, R/O VILL- TITKA (KEOT SUBA), WARD NO. 7, P.O.-
PATHSALA, P.S.-PATHSALA, DIST-BAJALI, ASSAM, PIN-781325

2: SMTI. RENUKA DAS
W/O SRI DINESH DAS
R/O VILL- TITKA (KEOT SUBA)
WARD NO. 7
P.O.-PATHSALA
P.S.-PATHSALA
DIST-BAJALI
ASSAM
PIN-781325

3: SMTI. YUBA DAS
D/O SRI DINESH DAS
R/O VILL- TITKA (KEOT SUBA)
WARD NO. 7
P.O.-PATHSALA
P.S.-PATHSALA
DIST-BAJALI
ASSAM
PIN-78132

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K M HALOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

11.06.2024

Heard Mr K M Haloi, learned counsel for the petitioners, 1) Sri Dinesh Das, 2) Smti Renuka Das and 3) Smti Yuba Das, who have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Pathsala PS Case No. 45/2024, registered under Sections 498(A)/307 of the Indian Penal Code, 1860.

3. Heard Ms N Das, learned Additional Public Prosecutor for the State of Assam/respondent.

4. The allegation against the petitioners is that they attempted to commit murder of the victim by forcefully taking her into her bedroom and attempting to kill her by strangulating her with a piece of cloth. There are allegations of cruelty extended to the victim by the petitioners.

5. The accused No. 1 named in the FIR is the husband of the victim and the petitioner No. 1 is the father-in-law, the petitioner No. 2 is the mother-in-law and petitioner No. 3 is the sister-in-law of the victim.

6. The learned Additional Public Prosecutor has stated that there are incriminating materials in the Case Diary against the petitioners, but the injury report has not been

forwarded along with the Case Diary.

7. It is submitted that the statements of the witnesses have revealed that the victim was subjected to cruelty as the victim was unable to meet the petitioners' illegal demand of dowry.

8. It is submitted on behalf of the petitioner that the FIR clearly reveals that the victim, i.e., the wife of the accused No. 1 (named in the FIR), time and again took guidance from her Advocate. Repeatedly, she went back to her parental home and thereafter, with the advice of her Advocate, she also returned to her matrimonial home to restart her conjugal life.

9. It is submitted that if the petitioners had treated the victim with such cruelty, she would never have returned to her matrimonial home and she was constantly under the guidance of her Advocate.

10. It is submitted that the allegation that the petitioners tried to forcefully hang the victim on a ceiling fan is a concocted story.

11. I have considered the submission that the petitioner No. 3 is appearing her examination.

12. I have also considered the submission that the accused No. 1, i.e., the husband of the victim was already arrested and released on bail.

13. The Case Diary reveals that investigation has progressed to a considerable extent.

14. There are incriminating materials in the Case Diary against the petitioners, however, at this juncture, custodial interrogation may not be required.

15. In view of my foregoing discussions, petition is allowed.

16. I have considered the submissions at the Bar with circumspection. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 50,000/- each, with a suitable surety of the like amount to the satisfaction of the arresting authority under the conditions that-

- i) the petitioners shall appear before the IO within 10 days and cooperate with the investigation,
- ii) the petitioners shall not leave the jurisdiction of the Court, without prior permission, till completion of investigation.

On breach of any of the bail conditions, bail order shall stand cancelled.

17. Bail Application stands disposed of.

18. Send back the Case Diary.

JUDGE

Comparing Assistant