

GAHC010107232024



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

Case No. : Bail Appln./1580/2024

NITIKESH DAS
S/O SRI HARESH DAS
PERMANENT RESIDENT OF 2 NO. KATHIAKHUNDA GAON
P.O. AND P.S. SAPEKHAITI
DIST. CHARAIDEO, PIN- 785692, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. T DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 26-06-2024

Heard Mr. T. Das, learned counsel for the petitioner Sri Nitikesh Das.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as the petitioner is behind bars

since 03.05.2024 in connection with Namrup Police Station Case No. 29/2024 under Sections 498 (A) and 306 of the Indian Penal Code, 1860 (IPC for short) (G.R. No. 75/2024).

3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State and Ms. P. Borah, learned counsel for the informant.

4. The learned counsel for the petitioner has submitted that no case of inducement of committing suicide has been made out against the petitioner and the petitioner deserves bail.

5. The learned counsel on behalf the informant has raised objection stating that the victim was induced to commit suicide.

6. I have considered the submissions at the bar.

7. It is submitted by the learned Additional Public Prosecutor and the learned counsel for the informant that the victim was subjected to cruelty by the petitioner, which has triggered the incident.

8. I have scrutinized the Case Diary. Indeed there are incriminating materials against the petitioner. The merits of this case are not brought to the fore as this case is still under investigation. I have considered the length of detention and the progress of investigation. It appears that further custodial detention may not be required. The petitioner is a local resident and he has pledged to abide by any stringent bail conditions.

9. Considering all aspects and in view of my foregoing discussions, petition is allowed.

10. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the

satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Naharkatia under the condition that:

The petitioner shall not leave the jurisdiction of the Court without prior permission.

11. In the above terms, this Bail Application stands disposed of.
12. Send back the Case Diary.

JUDGE

Comparing Assistant