

GAHC010108192024



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

Case No. : AB/1434/2024

MANASH PRATIM NATH
S/O SRI JOGEN NATH, P/R/O VILL- NIZDOMOKA, P.O.-SORBHOG, P.S.-
SORBHOG, DIST-BARPETA, ASSAM, PIN-781317, TEMP/R/A SURUJ NAGAR,
SIXMILE, P.S.-DISPUR, GUWAHATI-22, DIST- KAMRUP (M), ASSAM

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
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

20.06.2024

1. Heard learned counsel Mr. K.M. Haloi for the petitioner.
2. This application has been filed by the petitioner under Section 438 of the Cr.PC with prayer for pre-arrest bail as he is apprehending arrest in connection with Dispur P. S. Case No. 500/2024 registered under Sections

294/307/325/498(A)/506 of the IPC.

3. Heard Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State. Also heard Mr. T. Deuri for the informant.

4. The allegation against the petitioner is that the petitioner along with her family members has subjected the informant to cruelty. Due to the intensity of the cruelty, the petitioner's wife is suffering from partial deafness and breathing problems. It is also submitted that the petitioner attempted to commit murder of the victim/informant. The victim/wife of the petitioner was subjected repeatedly to cruelty by the petitioner.

5. Learned Additional Public Prosecutor has submitted that the medical legal report reveals that the petitioner has sustained injuries of simple nature.

6. Learned counsel on behalf of the informant has submitted that the petitioner is not entitled to pre-arrest bail as he has been brutally assaulting his wife and consequentially she is partially deaf at present.

7. I have scrutinized the Case Diary. Indeed there are incriminating materials against the petitioner.

8. However, investigation has progressed to a considerable extent.

9. It appears that custodial interrogation may not be required.

10. The petitioner has pledged to abide by any stringent bail conditions if imposed upon him. The petitioner is a local resident and not a flight risk.

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

12. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 30,000/- (Rs. Thirty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) the petitioner shall appear before the

Investigating Officer within 1 week and co-operate with the investigation,

(ii) the petitioner shall not exercise threats to the victim and other witnesses; and

(iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

13. Send back the Case Diary.

JUDGE

Comparing Assistant