

GAHC010109832024



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

Case No. : Bail Appln./1928/2024

TANU LUKHURAKHAN
S/O LATE GAGAN LUKHURAKHAN NO. 1 NACHANI, P.S.-TINGKHONG,
DIST-DIBRUGARH, ASSAM, PIN-786612

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R P HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

28.06.2024

Heard Mr. R.P. Hazarika, learned counsel for the accused and Mr. K.K. Das, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Sri Tanu Lukhurakhan**, who has been languishing in jail hazot in connection with the **Tingkhona P.S. Case No. 27/2024**, under Section 306 of the IPC, for granting bail.

3. It is to be note here that the said case has been registered on the

basis of an FIR lodged by one Sri Girin Handique, on 27.04.2024. The essence of allegations made in the FIR is that ten years back, the daughter of the informant got married with one Tanu Lukhurakhan and thereafter, he developed an illicit relationship with one Pallavi Gogoi of his village and while the daughter of the informant i.e., the wife of Tanu Lukhurakhan raised objection to the said relationship, Tanu Lukhurakhan manhandled her. Thereafter, on 21.04.2024, she consumed poison and subsequently died at hospital on 26.04.2024, during the course of treatment, leaving behind two children.

4. Mr. Hazarika, learned counsel for the accused submits that the accused was arrested on 27.04.2024, and since then he has been languishing in jail hazot for 62 days and that till date no charge sheet has been submitted by the Investigating Officer ('I.O.', for short). Mr. Hazarika further submits that the mandatory period of detention is 60 days here in this case and as such, the accused is entitled to default bail.

5. On the other hand Mr. Das, learned Additional Public Prosecutor, obtaining instruction from the concerned Officer In-Charge, apprised this Court that the charge sheet has not been submitted by the I.O. here in this case, till date.

6. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the records and the documents placed on record.

7. It appears that the accused was arrested on 27.04.2024, and since then he has been languishing in jail hazot for 62 days. Further, it appears that the charge sheet has not been submitted by the I.O. till date and as such, the accused is entitled to default bail, under Section 167[2] of the Code of Criminal

Procedure.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Dibrugarh** the accused be enlarged on bail.

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

JUDGE

Comparing Assistant