

GAHC010110352024



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

Case No. : AB/1459/2024

NEPAL BISWAS AND 2 ORS.
S/O LT GOPAL BISWAS, R/O DOYAL NAGAR, AMINGAON, P.S.- NORTH
GUWAHATI, DIST- KAMRUP (R), ASSAM

2: PINKY BISWAS
W/O NEPAL BISWAS
R/O DOYAL NAGAR
AMINGAON
P.S.- NORTH GUWAHATI
DIST- KAMRUP (R)
ASSAM

3: SHANTI BISWAS
W/O LT GOPAL BISWAS
R/O DOYAL NAGAR
AMINGAON
P.S.- NORTH GUWAHATI
DIST- KAMRUP (R)
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

10.06.2024

Heard Mr A M Khan, learned counsel for the petitioners, 1) Nepal Biswas, 2) Pinky Biswas and 3) Shanti Biswas, who have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with North Guwahati PS Case No. 20/2024, registered under Sections 498(A)/306 of the Indian Penal Code, 1860.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam/respondent.

4. The allegation against the petitioners is that they have instigated the victim to commit suicide.

5. The FIR unfolds that the victim was subjected to cruelty by the petitioner, which drove her to commit suicide.

6. I have considered the submissions at the Bar with circumspection.

7. I have also scrutinized the Case Diary as well as the Post-Mortem Report.

8. It is submitted on behalf of the petitioners that they are residing separately and they did not reside in the same household with Shubal Biswas or with the victim Sunita Biswas. There is no question of subjecting the victim to cruelty or instigating the victim to commit suicide.

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

7. It appears that custodial interrogation of the petitioners may not be required for the progress of investigation.

8. I have considered the submission that the petitioners are willing to abide by any stringent conditions, if imposed upon them.

9. Considering the submissions at the Bar and in view of my foregoing discussions, petition is allowed. 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 one week and cooperate with the investigation,

ii) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

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

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant