

GAHC010114382023



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

Case No. : AB/1881/2023

DIBYAJYOTI NATH AND 2 ORS
S/O- GOPAL NATH, R/O- VILL- LONGIAP, P.O. BAITHALANGSHO, PIN-
782450, P.S. KACHUA, DIST.- NAGAON, ASSAM

2: GOPAL NATH
S/O- LATE JOGESWAR NATH
R/O- VILL- LONGIAP
P.O. BAITHALANGSHO
PIN- 782450
P.S. KACHUA
DIST.- NAGAON
ASSAM

3: ARATI DEVI
W/O- GOPAL NATH
R/O- VILL- LONGIAP
P.O. BAITHALANGSHO
PIN- 782450
P.S. KACHUA
DIST.- NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MS. G BORAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 26-06-2024

Heard Ms. G. Bora, learned counsel for the petitioners 1. Dibyajyoti Nath, 2. Gopal Nath and 3. Arati Devi, who have filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as they are apprehending arrest in connection with Kachua Police Station Case No. 81/2023 registered under Sections 304 B and 34 of the Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

3. It is alleged that an FIR dated 06.05.2023 was lodged by the informant one Dipti Devi alleging that her daughter was married to the petitioner No. 1 and was the daughter-in-law of petitioners No. 2 & 3. After giving birth of a girl child, the petitioners started to torture her daughter stating that they wanted a baby boy not a girl child. On 29.04.2023, her daughter came to her house to narrate the tortures inflicted by the accused persons and thereafter, she refused to go back of her matrimonial house, but on 02.05.2023 she was forcefully taken to her matrimonial home. On 03.05.2023 at night, the informant was intimated by the accused persons that her daughter consumed poison and she is in danger. Her daughter was taken to a hospital and on 04.05.2023, she expired. It is alleged that the informant suspects that the accused persons poisoned and killed her daughter.

4. I have considered the submission that the petitioner No. 1 is on interim bail vide order dated 19.09.2023 and the petitioners No. 2 and 3 are on interim

bail vide order dated 29.05.2023 passed by a Coordinate Bench of this Court. The petitioners No. 1, 2 and 3 have cooperated with the trial and their statements have already been recorded. Investigation has progressed to a considerable extent as per the Case Diary. It appears that custodial interrogation may not be required.

5. Considering all aspects and in view of my foregoing discussions, the interim order dated 19.09.2023 in respect of petitioner No. 1 as well as the interim order dated 29.05.2023 in respect of the petitioners No. 2 and 3 are hereby made absolute. The petitioners No. 1, 2 and 3 are directed to abide by the bail conditions imposed upon them vide order dated 19.09.2023 and 29.05.2023 respectively.

6. In the above terms, this Anticipatory Bail application stands disposed of.

7. Send back the Case Diary.

JUDGE

Comparing Assistant