

GAHC010130962024



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

Case No. : Bail Appln./1907/2024

PRANAB SUTRADHAR
S/O SRI PARESH SUTRADHAR
R/O SANTIPUR, WARD NO. 4, MANGALDAI TOWN, P.S. MANGALDAI
PIN-784125
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N N B CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

26.07.2024

Heard Mr K N Choudhury, learned Senior Counsel for the petitioner, Sri Pranab Sutradhar, who has filed this application under Section 439 CrPC, with prayer for bail, as he is behind bars since 07.06.2024, in connection with Mangaldai PS Case No. 159/2024, under Sections 302/34 of the Indian Penal Code, 1860, corresponding to GR Case No. 517/2024.

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

4. The FIR unfolds that Junu Sutradhar was married to the petitioner and she was blessed with a girl, who is about 4 (four) years old now. After two years of her marriage, she was subjected to cruelty by the petitioner and whenever she was subjected to cruelty, she used to inform her family members about the cruelty meted out to her. The informant, Sri Sambhu Sutradhar, the brother of Junu Sutradhar was also informed that about 3 months before the alleged incident, the petitioner's family members fought with her and subjected her to cruelty. Then, the informant went to Junu Sutradhar's house and brought her back. After few days, on being consoled, the victim Junu Sutradhar was sent back to her matrimonial home. On 07.06.2024, the petitioner called the informant over phone and informed him that Junu Sutradhar vomited twice, but she died while she was on her way to the hospital.

5. The learned Additional Public Prosecutor has raised serious objection against the bail petition stating that the victim was subjected to cruelty. There are incriminating materials that the victim was subjected to cruelty. The petitioner is not entitled to bail, considering the gravity of the offence. It is submitted that investigation will be adversely affected if the petitioner is admitted to bail.

6. I have perused the Post-Mortem Report. The opinion is kept pending as the *viscera* was sent for chemical analysis. The chemical analysis report is not forwarded along with the Case Diary.

7. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary, against the petitioner. However, investigation has progressed to a considerable extent.

8. I have also considered the submission that as no injuries were detected no case under Section 302 IPC is made out. It is submitted that at best, it can be considered to be a case under Sections 306/304(B) IPC.

9. It appears that as the investigation has progressed to a considerable extent, investigation may not be adversely affected if the petitioner is admitted to bail.

10. It is also submitted that further custodial detention may not be required.

11. Considering the submissions at the Bar, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with one suitable surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Mangaldoi, under the conditions that:-

- i) the petitioner shall not tamper with the evidence and try to influence the witnesses, and,
- ii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

12. Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant