

GAHC010131512024



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

Case No. : AB/1693/2024

JITUL SWARGIARI AND 2 ORS.
S/O SRI LAKHYAPRASAD SWARGIARI
VILLAGE- SARUPATHAR GAON
SARUPATHAR NO. 1,
P.O. SARUPATHAR, P.S. SONARI
DIST. SIVASAGAR, ASSAM

2: RIKHOVRAJ KONWAR
S/O SRI ANUP KONWAR
VILL- NAFUK GAON
SONARI
P.O. SONARI
P.S. SONARI
DIST. SIVASAGAR
ASSAM.

3: LUKAPRIYA PHUKAN
S/O SRI PRADIP PHUKAN
R/O TAIRAI
CHATIANAGURI
P.O. CHATIANAGURI
P.S. SAPEKHAITI
DIST. CHARAIDEO
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP ASSAM

Advocate for the Petitioner : MR. A R SHOME, M. BORUAH, MR A J GHOSH

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

21.10.2024

Heard the learned counsel Mr. A.J. Ghosh appearing for the petitioners. Also heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC praying for grant of pre-arrest bail to the petitioners, namely- (1) Sri Jitul Swargiari, (2) Sri Rikhovraj Konwar and (3) Sri Lukapriya Phukan in connection with Sonari P.S. Case No.74/2024 under Section 302 of the Indian Penal Code.

3. The deceased was admitted in a drug rehabilitation centre. At one point of time, the said rehabilitation centre informed the family of the deceased that he had fell ill and therefore he was taken to Rajaphukuri hospital. After that, the deceased was brought back to the rehabilitation centre. Again, the rehabilitation centre informed the deceased's family members that his condition had deteriorated and therefore, he was again taken to Rajapukhuri hospital.

4. The family members of the deceased went to the hospital where they came to know that he has already expired.

5. It is alleged in the FIR that due to physical torture, the deceased died.

6. Mr. Baruah has submitted that post-mortem report does not have any sign of physical injury upon the body of the deceased. Mr. Baruah has further submitted that the cause of death of the deceased and the opinion of the FSL report are awaited.

7. I have considered the submissions made by the learned counsel of both sides.

8. The petitioners are the employees of the rehabilitation centre. On the basis of the contents of the case diary, this Court is of the opinion that they do not deserve to be detained in custody at this stage. They have also appeared before the investigating officer pursuant to the interim order granted earlier. As the above named petitioners have co-operated with police investigation, for the aforesaid reason the bail application is allowed.

9. The interim bail granted by this Court on 02.08.2024 is made absolute.

10. However, the petitioners shall co-operate with police investigating officer as and when called for.

With the aforesaid direction the application for bail is disposed of.

Return the case diary.

JUDGE

Comparing Assistant