

GAHC010135692024



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

**Case No. AB/1735/2024**

DOLLY DUTTA  
WIFE OF PULAK DUTTA  
RESIDENT OF SHANTIPARA  
WARD NO. 1  
MANGALDOI TOWN  
P.O.- MANGALDOI  
P.S.- MANGALDOI  
PIN- 784125  
DISTRICT- DARRANG (ASSAM).

VERSUS

THE STATE OF ASSAM  
REP BY THE PP ASSAM

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Advocate for : MR. M K HUSSAIN  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 18-07-2024**

**1.** Heard Mr. M. K. Hussain, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

**2.** This application under Section 482 of the BNSS, 2023 has been filed by the petitioner, namely, *Dolly Dutta*, who is apprehending her arrest in connection with Mangaldoi P.S. Case No. 170/2024 under Sections 306/34 of the Indian Penal Code.

**3.** The gist of accusation in this case is that 18.06.2024, one Biki Hazarika had lodged an FIR before the Officer-in-Charge of Mangaldoi Police Station on 18.06.2024, *inter alia*, alleging that her aunt, namely, Anuradha Hazarika @ Lipi was married to the present petitioner about 10 to 11 years ago and since the date of her marriage, the aunt of the informant was subjected to cruelty for demand of dowry. It is also alleged that the accused No. 2 named in the FIR, namely, Smt. Dolly Dutta, who is the second wife of the accused No. 1 also instigated the present petitioner to continue to torture physically and mentally the aunt of the informant and it is alleged that unable to bear the torture, the first wife of the present petitioner committed suicide by hanging on 17.06.2024.

**4.** The learned counsel for the petitioner has submitted that the petitioner is innocent and the allegations levelled against her in the FIR are not true. He has also submitted that the main accused has already been arrested and also granted bail in Bail Application No. 1970/2024 by order dated 18.07.2024. It is also submitted by the learned counsel for the petitioner that the petitioner is ready to cooperate in the investigation. Hence, she may be allowed to go on anticipatory bail.

**5.** On the other hand, the learned Additional Public Prosecutor has produced the case diary of Mangaldoi P.S. Case No. 170/2024 and has submitted that there are incriminating materials against the present petitioner in

the case. However, he also submits that the investigation has fairly progressed.

**6.** I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on the record, including the case diary of Mangaldoi P.S. Case No. 170/2024.

**7.** Considering the progress made in the investigation, and also considering the fact that the co-accused in this case, who is the husband of the deceased, has already been granted bail in Bail Application No. 1970/2024 by order dated 18.07.2024, custodial detention of the above named petitioner may not be necessary, if she cooperates in the investigation.

**8.** In view of the above, the above named petitioner is directed to appear before the Investigating Officer of Mangaldoi P.S. Case No. 170/2024 within a period of 10 days from the date of this order, and cooperate in the investigation. If she does so, within the stipulated period of time, in the event of her arrest in connection with Mangaldoi P.S. Case No. 170/2024, she may be allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount subject to the satisfaction of arresting authority with following conditions:-

- i. That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

- 9.** With the above observation, this anticipatory bail application is disposed of.
- 10.** Send back the case diary.

**JUDGE**

**Comparing Assistant**