

GAHC010135692024



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

Case No. : Bail Appln./1970/2024

PULAK DUTTA
SON OF RAJANI KT. DUTTA,
RESIDENT OF SANTIPARA, WARD NO. 1,
MANGALDOI TOWN,
PO- MANGALDOI, PS- MANGALDOI,
DISTRICT- DARRANG (ASSAM)
PIN- 784125.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : PP, 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 483 of the BNSS, 2023 has been filed by the petitioner, namely, *Pulak Dutta*, who has been detained behind the bars since 20.06.2024 (for last 28 days) 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 allegations levelled in the FIR are not true and the petitioner is innocent. It is also submitted by the learned counsel for the petitioner that the petitioner has been detained behind the bars for last 28 days and considering the nature of allegations levelled in the FIR as well as the period of detention already undergone by the petitioner, he may be allowed to go on bail.

5. On the other hand, learned Additional Public Prosecutor has produced the case diary of Mangaldoi P.S. Case No. 170/2024 and has submitted that the investigation has fairly progressed and there are incriminating evidence against the present petitioner in the case diary, therefore, he opposes the grant of bail to the present petitioner.

6. I have considered the submissions made by the learned counsel for both the parties and have perused the materials available on record including

the case diary of Mangaldoi P.S. Case No. 170/2024.

7. Though there are incriminating materials against the present petitioner in the case diary, however, considering the progress of the investigation and period of detention already undergone by the above named petitioner, his further custodial detention does not appear to be necessary for fair completion of the investigation of Mangaldoi P.S. Case No. 170/2024.

8. In view of the above, the above named petitioner is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Darrang, Mangaldoi 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 bail application is disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant