

GAHC010149382024



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

Case No. : AB/1935/2024

BACHIRAN NESSA
W/O KASHEM ALI
VILL- NO. 2 KANDHBARI
P.O. MERUATTARY , P.S. MUKALMUA
DIST. NALBARI, ASSAM
PIN CODE- 781126

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A MANNAF, MD A S ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

21.11.2024

Heard learned counsel, Mr A Mannaf, for the petitioner, Bachiran Nessa, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as she is apprehending arrest in connection with Mukalmua PS Case No. 207/2024, under Sections 103(2)/238 of the BNS, 2023.

2. Heard Mr D Das, learned Additional Public Prosecutor, Assam for the respondent State.
3. It is submitted on behalf of the petitioner that the petitioner is a Government Servant and on perusal of the documents annexed along with the petition, it would reveal that the deceased, the great granddaughter of the petitioner died when her mother refused to take her along with her to Guwahati, on 16.07.2024.
5. It is further submitted that the petitioner was in the Mahatma Gandhi Model Hospital and to support this submission, the identity card is annexed as well as the attendance sheet of hospital, which shows that the petitioner, who is a Grade-IV employee was present in the hospital on 16.07.2024.
6. It is further submitted that the allegation is basically against the mother of the deceased, whereas the petitioner is the great grandmother of the deceased, who committed suicide.
7. It is further submitted that there was no abetment by the petitioner to the victim to commit suicide and no *mensrea* inducement can be deciphered from the FIR lodged by the informant.
8. I have considered the submissions at the Bar with circumspection
9. I have considered the fact that the petitioner has appeared before the IO and has cooperated with the investigation. The petitioner has not violated any bail conditions.

10. In view of my foregoing discussions and considering all aspects, the interim order dated 09.08.2024, is hereby made absolute.

11. Anticipatory Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant