

GAHC010153852024



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

Case No. : AB/2014/2024

HIMAKSHI KALITA AND ANR
C/O KUNJALATA KALITA
R/O H/NO. 21, SALBARI
P.O. NOONMATI
P.S. NOONMATI
DIST. KAMRUP (M), ASSAM

2: NABAJIT TIWARI
C/O RAMNARESH TIWARI
R/O H/NO. 35
GANESH MANDIR PATH
P.O. NOONMATI
P.S. NOONMATI
DIST. KAMRUP (M)
ASSAM PH. NO. 957772646

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI, MS. NANDITA DEVI, MR P SONOWAL, MS. P. NAIDING, MR K THAKUR

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

17.09.2024

Heard learned counsel, Mr K Thakur, for the petitioners, 1) Himakshi Kalita and 2)

Nabajit Tiwari, who have filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Dispur PS Case No. 768/2024, under Sections 115(2)/296/351(2)/117(2)/ 324(2)/74/79 of the BNS, 2023.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is alleged that when the accused, Dhrubajyoti Kalita was on the same car with the present petitioner, he pulled the victim by her hand through the window of the car. The victim was dragged along with the running car and the victim sustained injuries. It is arrayed that both the petitioners were present at the time inside the same car and the petitioner Nabajit Tiwari also threatened the victim and stated that, 'Today is your last day'. It is submitted on behalf of the petitioners that the accused, Dhrubajyoti Kalita is the petitioner Himakshi Kalita's brother and he has already been arrested in connection with this case. Earlier, the victim had already lodged a false case against the petitioner and now a subsequent case has been lodged against Himakshi Kalita's brother along with the petitioners. It is submitted that investigation has progressed after arrest of the petitioner Himakshi Kalita's brother.

5. I have considered the submissions at the Bar with circumspection.

6. The learned Additional Public Prosecutor has submitted that the petitioners have appeared before the IO and they have cooperated with the investigation.

7. I have considered the submission that the petitioners have not violated any bail conditions and they will abide by any stringent bail conditions, if imposed upon him.
8. Considering all aspects and in view of my foregoing discussions, the interim pre-arrest bail order dated 05.08.2024, is hereby made absolute, under the same terms and conditions.
10. Anticipatory Bail Application stands disposed of.
11. Send back the Case Diary.

JUDGE

Comparing Assistant