

GAHC010159162024



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

Case No. : AB/2106/2024

SMTI PAPORI CHOUDHURY BARMAN AND ANR
W/O SRI BISWAJYOTI BARMAN
R/O BELSOR PUB, NEAR KAMARPARA, NAMGHAR, BELSOR,
P.S. BELSOR
DIST. NALBARI, ASSAM,
PIN CODE- 781304

2: SRI BISWA JYOTI BARMAN
S/O SRI KAMAL BARMAN
R/O BELSOR PUB
NEAR KAMARPARA
NAMGHAR
BELSOR

P.S. BELSOR
DIST. NALBARI
ASSAM

PIN CODE- 78130

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K K DEKA, MR. A CHAUDHURY, MR. P K DAS, MR. N MAHAJAN, MR. D BORA, MS D RABHA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 09.09.2024

Heard Mr. B.K. Mahajan, learned counsel for the petitioners. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

2. By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, **Smt. Papori Choudhury Barman and Sri Biswa Jyoti Barman**, have prayed for granting pre-arrest bail, apprehending arrest in connection with Bharalumukh P.S. Case No. 135/2024 under Section 120(B)/302/201 IPC r/w Section 14 A of Child and Adolescents Act, 1986.

3. It is submitted by the learned counsel for the petitioners that the petitioner No. 2 is an employee of HDFC bank and posted at Rangia Branch and petitioner No.1 is his wife. It is also submitted that on the date of the incident, the victim girl was sitting with the tenants of the house and informed them that she was not feeling well and went to her room to take rest. After some time, the tenants raised an alarm when they noticed that the room was on fire. They immediately broke down the door, which was locked from the inside, and evacuated her. Thereafter took the victim to the hospital wherein she succumbed to her injuries. The petitioners have no knowledge as to how the fire broke out. It is further submitted that the petitioners are no way involved in the alleged offence as stated in the FIR. The learned counsel for the petitioners also pointed out that the informant lodged the FIR after two and half months on the incident and there is no explanation in the FIR causing such delay. Considering the background of the case and the nature of the offence, benefit of pre-arrest bail may be extended to the petitioners.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the

State has vehemently objected to the prayer of the petitioners by stating that the petitioners are very much involved in the alleged offence and there is sufficient incriminating materials found in the case diary against the petitioners. Considering the nature of the offence, custodial interrogation of the petitioners is required.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

6. It is revealed from the statement of the informant recorded under Section 183 BNSS that petitioner No. 1 initially informed him that his daughter suffered burn injuries due to an electric shock, but later also stated that she was burnt down by a matchbox. It also appears from the statement of one Ratul Deka recorded under Section 183 BNSS that the petitioners are significantly involved in the instant case. According to Ratul Deka, the petitioners used to abuse the victim girl and also forced her to work during night hours. The investigation is still under progress. Considering the fact as well as background of the case, this Court is not inclined to grant bail to the petitioners at this stage of investigation. Hence, prayer for bail is rejected.

7. The pre-arrest bail application stands disposed of accordingly.

8 . Return the case diary.

JUDGE

Comparing Assistant