

GAHC010163312024



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

Case No. : Bail Appln./2404/2024

MRIDUL KALITA
S/O PRATAP CH. KALITA
R/O VILL- BORJHAR
P.S. AND DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MS F HUSSAIN, MD IMRAN, MR. S RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 22.08.2024

Heard Mr. S.M. Abdullah P., the learned counsel appearing for the petitioner as well as Mr.D. Das, the learned Additional P.P. for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for

releasing the petitioner on bail, who was arrested in connection with Nalbari P. S. Case No. 230/2024.

3. The informant has stated in the FIR dated 05.07.2024 that his 33 year old sister was given marriage to the present petitioner about 7 years prior to the filing of the FIR. After marriage, the sister was subjected to physical and mental torture for demand of dowry. On 19.12.2022, the said sister made a complaint against the present petitioner before the villagers. The petitioner also signed an agreement promising that he will not commit any torture on her. On 05.07.2024, the informant came to know that his sister was dead.

4. I have gone through the case diary as well as the post mortem report.

5. In the post mortem report, it is stated that the cause of death of the sister of the informant could not be ascertained and her viscera was sent for forensic test.

6. The case diary reveals that the deceased was suffering from fever and was vomiting. Therefore, the present petitioner had taken her to the hospital. The doctors advised the informant to admit his sister in the ICU but she died in the hospital.

7. The case diary reveals that the relationship between the deceased and her husband was not cordial. They had various disputes between them. But apart from that, there are no materials to suggest that the petitioner is responsible for the death of the deceased.

8. Therefore, the petitioner does not deserve to be detained in custody. His bail application is accordingly allowed.

9. Accordingly, the petitioner, namely, Mridul Kalita shall be allowed to go on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned

Chief Judicial Magistrate, Nalbari.

10. The bail application stands disposed of accordingly.

The CD shall be returned.

JUDGE

Comparing Assistant