

GAHC010175722024



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

Case No. : Bail Appln./2579/2024

SRI DEBASHISH DEY @ DEBASISH @ BITTU DEY
S/O SRI DIBAKAR DEY
RESIDENT OF VILLAGE PATIDOI VERELA, PS MISSAMARI, DIST
SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R BARUAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 06-09-2024

Heard Mr. R. Baruah, learned counsel for the petitioner Sri Debashis Dey @ Debasish @ Bittu Dey.

2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since

18.06.2024 in connection with Missamari Police Station Case No. 18/2024 (corresponding to GR Case No. 426/2024) under Sections 302/34 of the Indian Penal Code, 1860.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. I have considered the submissions at the bar with circumspection.

5. The allegation against the petitioner is that their housemaid's body was found over the septic tank of their house on 27.02.2023. Earlier on 22.02.2023, the petitioner assaulted the victim. It is further alleged through the FIR that the complainant was informed about disappearance of the victim and on the following day, the body of the victim was found.

6. I have scrutinized the Case Diary. The merits of the case are not brought to the fore as investigation is still under progress. The petitioner has been behind bars for more than 78 (Seventy Eight) days. It appears that further custodial detention may not be required for the progress of investigation. I have considered the submissions on behalf of the petitioner that the petitioner is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him.

7. Considering all aspects, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Tezpur under the conditions that :

- (i) The petitioner shall cooperate with the remaining part of the investigation.
- (ii) The petitioner shall not jump the bail.

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

(iv) The petitioner shall appear before the Investigating Officer on every fortnight and cooperate with investigation.

8. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

9. In terms of the above observation, this Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant