

GAHC010178702024



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

Case No. : Bail Appln./2619/2024

SMT. PURABI DEY @ PURABI DEY BHATTACHARJEE
W/O LATE SUBHENDU BHATTACHARJEE, R/O KAHILIPARA COLONY,
H/NO. 20, B/L-02, SISU RAM CHOUDHURY PATH, P.S.-FATASHIL AMBARI,
DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. U K BARMAN, MR. R KONWAR, MR D PEGU, MR H ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09.09.2024

- 1)** Heard Mr. H. Ali, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.
- 2)** This application under Section 483 of the BNSS, 2023 has been filed by the petitioner Smti. Purabi Dey @ Purabi Dey Bhattacharjee who has been

detained behind the bars since 25.08.2024 in Connection with Fatasil Ambari Police Station Case No.39/2022 under Sections 306/506 of the Indian Penal Code.

3) The gist of accusation in this case is that one Sagarika Bhattacharjee had lodged an FIR on 16.02.2022 before the Officer In-Charge of Fatasil Ambari Police Station, *inter-alia*, alleging that her grandmother is 85 years of age and residing alone in Kahilipara Colony(S), House No.20, Bylane-2, Sishu Ram Choudhury Path, Jyothsna Enclave, Guwahati, Kamrup(M), Assam and her only son Lt. Subendu Bhattacharjee, who was the father of the informant had committed suicide on 09.02.2022. It is alleged in the FIR that the present petitioner subjected the father of the informant, who was facing mental and physical cruelty resulting which he had committed suicide.

4) The learned counsel for the petitioner has submitted that the petitioner has been looking after her mother-in-law since the death of her husband for last two years and the allegations made in the FIR against her are not true. He also submitted that the custodial detention of the petitioner is not necessary as it reveals that the Charge-sheet has already been laid in the Case.

5) The learned Additional Public Procedure has also submitted that the Charge-sheet has already been laid bearing Charge-sheet No.153/2024. As the incident involved in this case is alleged to happen two years ago and as the Charge-sheet has already been laid and as the petitioner is a lady, this Court is of the considered opinion that her custodial detention at this stage serve no purpose, if she otherwise co-operate in her trial.

6) In view of the above, the above named petitioner is allowed to go on bail of Rs.30,000/-(Rupees Thirty thousand only) with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate,

Kamrup(Metro) subject to the conditions that:-

- (i) the petitioner shall co-operate in the investigation.
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

7) This bail application is accordingly disposed of.

JUDGE

Comparing Assistant