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

Case No. : AB/2456/2024

PABITRA KALITA
S/O GUNABHI KALITA
R/O VILL-MAHRUL DIMARUGURI, P.O. DIMARUGURI, UNDER
MORIKOLONG OUTPOST AND UNDER P.S. NAGAON SADAR, DIST.
NAGAON, ASSAM, PIN-785631

VERSUS

THE STATE OF ASSAM
REP BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. R K TALUKDAR, MS P SINGH, K BARMAN, MR. D BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03.12.2024

Heard Mr. D. Borah, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the state/respondent.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioner, Pabitra Kalita in respect of Nagaon P.S. Case No. 327/2024.

3. In the year 2010 the deceased woman was married to the present petitioner. The coupled was blessed with a 6 year old daughter. On 07.04.2024, the woman committed suicide by hanging inside the house. Her father lodged an FIR before police alleging that the present petitioner, being the husband of the said woman, had physically harassed her. It is stated in the FIR that on 03.04.2024 at about 9 PM, the petitioner had set fire to the wearing apparels of the girl and he also tried to kill her with a crowbar. On that day, the woman was taken to the house of her parents by her brother. On 06.04.2024, the petitioner convinced the woman and she came back to her matrimonial house. Next morning she committed suicide.

4. The learned counsel for the petitioner has pointed out that the coupled used to quarrel with each other on the ground that the deceased was maintaining a close relationship with another boy and on that issue, they always quarrelled.

5. Mr. Borah further submits that the deceased used to live in a joint family and therefore, quarrel between the spouses became a big issue in the entire family.

6. I have considered the submissions made by the learned counsels of both sides.

7. There is no doubt that the deceased committed suicide by hanging. Apart from that, there are no sufficient materials in the case diary to justify the detention of the petitioner in custody.

8. Therefore, the pre-arrest bail application of the petitioner is allowed.

9. It is hereby directed that in the event of arrest in connection with Nagaon P.S. Case No. 327/2024, the petitioner, Pabitra Kalita shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the arresting authority.

10. The petitioner shall appear before the Investigating Officer as and when required.

11. With the aforesaid direction, the anticipatory bail application stands disposed of.

CD shall be returned.

JUDGE

Comparing Assistant