

GAHC010200242024



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

Case No. : Bail Appln./2930/2024

ANU GOGOI AND 2 ORS.
W/O LATE DEBA GOGOI, R/O NEAR CENTRAL FIELD, MARGHERITA, POST
OFFICE ROAD, P.S.-MARGHERITA, DIST- TINSUKIA (ASSAM)

2: PRIYANKA GOGOI
D/O LATE DEBA GOGOI
R/O NEAR CENTRAL FIELD
MARGHERITA
POST OFFICE ROAD
P.S.-MARGHERITA
DIST- TINSUKIA (ASSAM)

3: RUMI DAS @ KOKI DAS
W/O PRADIP DAS
R/O MARGHERITA OLD COLONY
P.O. AND P.S.-MARGHERITA
DIST- TINSUKIA (ASSAM)
VERSUS
THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MS F N ZAMAN, MS. R CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2177/2024

PRADIP DAS
S/O LATE DORLOV CHANDRA DAS
VILL- MARGHERITA OLD COLONY

P.O. AND P.S. MARGHERITA
DIST. TINSUKIA
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
GOVT. OF ASSAM

Advocate for : MS. R CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

06.11.2024

Heard Mr. HRA Choudhury, learned senior counsel for the petitioners, assisted by Ms. B Hazarika, Advocate and Mr. R J Baruah, learned Additional Public Prosecutor, Assam and Mr. K. Brook, learned counsel for the informant.

By filing the application under Section 483 of the BNSS, 2023, the petitioners, namely, (1) Anu Gogoi; (2) Priyanka Gogoi; and (3) Rumi Das have prayed for release on bail, who were arrested in connection with Margherita P.S. Case No. 101/2024.

Further, by filing the application under Section 482 of the BNSS, 2023, the petitioner, namely, Sri Pradip Das, has prayed for pre-arrest bail, who apprehends arrest in connection with Margherita P.S. Case No. 101/2024.

The informant has lodged an FIR alleging that on a particular day, somebody informed him that his 65 years old brother Sri Deba Ch. Gogoi was shouting for help inside his house. Sri Deba Ch. Gogoi resides with his wife and daughter. Therefore, the informant, being the younger brother called the wife of Sri Deba Ch. Gogoi over phone, but she did not pick up the phone. Later on, he came to know that Sri Deba Ch. Gogoi was murdered by his wife and daughter and his deadbody was taken to Dibrugarh Medical College and his Post Mortem was also there. Thereafter, the deadbody of Sri Deba Ch. Gogoi was cremated at Dibrugarh.

Police arrested Anu Gogoi, the wife of Deba Ch. Gogoi; Priyanka Gogoi, daughter of Deba Ch. Gogoi; and Rumi Das, sister-in-law of Anu Gogoi.

By the other application, Sri Pradip Das, the husband of Rumi Das has prayed for anticipatory bail.

Mr. Choudhury, learned senior counsel has submitted that Anu Gogoi and Priyanka Gogoi have already completed 85 days in custody.

I have gone through the Case Diary. There are sufficient incriminating materials against Anu Gogoi. But, case diary does not have sufficient incriminating materials against Priyanka Gogoi and Rumi Das as well as against Sri Pradip Das.

Therefore, the bail application made in favour of Anu Gogoi is rejected. However, the bail application made on behalf of Priyanka Gogoi and Rumi Das and the anticipatory bail application made on behalf of Sri Pradip Das is allowed.

Accordingly, it is directed that the petitioners, namely, Priyanka Gogoi and Rumi Das (the petitioners in Bail Application 2930/2024) who were arrested in connection with Margherita P.S. Case No. 101/2024, shall be released on bail of Rs.25,000/- each with one surety of like amount to the satisfaction of the learned SDJM, Margherita.

Further, it is hereby directed that in the event of arrest of the petitioner, namely, Sri Pradip Das (the petitioner in Anticipatory Bail Application No. 2177/2024), in connection with Margherita P.S. Case No. 101/2024, the arresting authority shall release him on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the arresting authority.

Sri Pradip Das is directed to appear before the Investigating Officer within 10(ten) days from today and he shall cooperate in the Police investigation as and when required.

Both the bail applications are disposed of.

Case Diary shall be returned.

JUDGE

Comparing Assistant