

GAHC010206242024



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

Case No. : Bail Appln./3028/2024

SMTI PABIMAYA SRESTHA
W/O SRI LAL BAHADUR SHRESTHA, VILL- NO. 1, NONKE BIHUMARI, P.S.-
BEHALI, DIST- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D SAIKIA, MS D DUTTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

08.10.2024

Heard Mr. D Saikia, learned counsel for the petitioner. Also heard Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of BNSS, 2023 praying for granting regular bail to the petitioner, Smti. Pabimaya Srestha in connection with Behali PS case No. 63/2024 under Section 103(1) of Bharatiya Nyay Sanhita, 2023.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the case. The learned counsel for the petitioner submits that the accused has thoroughly been interrogated by the investigating officer and co-operated with the investigation and has been in custody since 04.08.2024.

It is seen that no person is named as accused in this case. The forwarding report of the petitioner reveals that the petitioner has been arrested only on suspicion and for the reason that on the date of occurrence, the accused was found to be roaming near the place of occurrence. It is also on record that one Bijay Shahu of Baligaon under Misamari Police Station has also been arrested. It is on record that an affidavit has been filed by the son of the deceased sworn in before the Notary Public, declaring that the accused is a close relative of the deceased and the family of the deceased was surprised why the present petitioner is arrested inasmuch as it is their case that the petitioner is not involved in the case. The petitioner was arrested on 04.08.2024 and since then, she is behind the bar.

Considering the facts and circumstances of the case, material available on record and the period of detention, this court, without commenting anything on the merits of the case, is of the opinion that no further custodial interrogation/ detention of the petitioner may be required. Accordingly, it is directed that the petitioner, above named, in connection with the aforementioned case be released on bail on his furnishing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety of the like amount to the satisfaction of the learned CJM, Biswanath Chariali with the following conditions.

- (1) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
- (2) The petitioner shall not repeat similar offence in future;
- (3) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer,

(4) The petitioner shall appear before the I/O on each and every date as and when called for.

Bail application stands disposed of.

JUDGE

Comparing Assistant