

GAHC010213482024



2024:GAU-AS:11201

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

Case No. : AB/2715/2024

SANGITA TANTI SONA @ MOINA
W/O SRI GANESH SONA
R/O CHENGAIGAON
P.O. AND P.S. GOHPUR
DIST. BISWANATH, ASSAM,
PIN-784168

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. L GOGOI,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18-11-2024

Heard Mr. L Gogoi, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 of the BNSS, 2023, apprehending her arrest, the petitioner, namely, **Smt. Sangita Tanti Sona @ Moina**, wife of Sri Ganesh Sona, resident of

Chengaigaon, P.S.-Gohpur, District-Biswanath, is seeking pre-arrest bail in Gohpur Police Station Case No. 138/2024 registered under Sections 118(1)/74/3(5) of the BNS, 2023 corresponding to G.R. No. 268/2024.

3. As per the FIR dated 27.09.2024 lodged by the informant before the Officer-in-Charge of Gohpur Police Station, the case is that on 27.09.2024 a verbal altercation took place between her mother and the petitioner. The petitioner attacked the mother of the informant from the back side with a sharp weapon and also she was physically assaulted by the husband of the petitioner, namely, Ganesh Sonar.

4. Accordingly, Gohpur Police Station Case No. 138/2024 corresponding to G.R. No. 268/2024 under Sections 118(1)/74/3(5) of the BNS, 2023 was registered against the petitioner.

5. The Court by order dated 04.10.2024 while granting interim pre-arrest bail to the petitioner, named above, in said Gohpur P.S. Case No. 138/2024 also called for the said case diary. Pursuant to which the petitioner appeared before the concerned Investigating Officer of the case and her statement has been recorded by the concerned I.O. of the case.

6. From the case diary, Mr. K K Parashar, learned APP, Assam has submitted that though there was injury on the skull of the mother of the informant, but as per the medical report, the same is simple in nature.

7. Perused the case diary placed before the Court today by Mr. K K Parashar, learned APP, Assam.

8. Considering the materials in the case diary, the Court is of the view that custodial detention of the petitioner is not warranted for further investigation of said Gohpur P.S. Case No. 138/2024. Accordingly, this pre-arrest bail application of the petitioner is accepted.

9. Accordingly, the interim pre-arrest bail granted to the petitioner on 04.10.2024 in said Gohpur P.S. Case No. 138/2024 corresponding to G.R. No. 268/2024 is hereby made absolute, subject to the compliance of the terms and conditions as specified in the said order dated 04.10.2024.

10. Any violation of the terms and conditions as specified in the order dated 04.10.2024, noted above, by the petitioner, the pre-arrest bail granted to her in said Gohpur P.S. Case No. 138/2024 shall stand automatically vacated.

- 11.** This pre-arrest bail application accordingly stands disposed of.
- 12.** Return the case diary.

JUDGE

Comparing Assistant