

GAHC010216292024



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

Case No. : AB/2742/2024

SWMKHWR BORO
S/O PUTUL CHANDR BORO
R/O BALAHATI
P.S. GORESWAR
DIST. TAMULPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AZAD, MS S DEVI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 04.11.2024

Heard Mr. A.K. Azad, learned counsel appearing for the petitioner as well as Mr. R. J. Baruah, learned Additional P.P. for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of Goreswar P.S. Case No. 51/2024.

3. The petitioner married the deceased in the year 2015. It is alleged in the FIR that the petitioner used to physically and mentally harass his wife and finally she consumed poison and died.
4. Mr. Azad submits that both the families of the petitioner and the deceased were talking about divorce.
5. Mr. Baruah also submitted that mental torture was meted out to the deceased by the petitioner and the family of the petitioner also advised him to divorce his wife.
6. I have considered the submissions made by the learned counsels of both sides.
7. The entire incident took place because of the dispute between the husband and wife. The wife consumed poison and died because of the harassment caused to her by her husband. But even then, for the aforesaid allegation, the petitioner being the husband of the deceased, does not deserve to be detained in custody. Therefore, his bail application is allowed.
8. It is hereby directed that in the event of arrest in connection with Goreswar P.S. Case No. 51/2024, the petitioner Swmkhwr Boro shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.
9. The petitioner is directed to appear before the Investigating Officer within next 7 (seven) days from today. He shall co-operate with the police investigation as and when required.
10. With the aforesaid directions, the bail application stands disposed of
CD shall be returned.

JUDGE

Comparing Assistant