

GAHC010237702024



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

Case No. : AB/3048/2024

JAYDEB ROY @ MADHABANANDA ROY AND 3 ORS
S/O SHYAMANANDA RAY SARKAR
VILL- SARPAMARI
P.O. BORJAN
P.S. TAMARHAT,
DIST. DHUBRI, ASSAM

2: PRASADI RAY
W/O PUNESHWAR RAY
VILL- RUPESHWAR RAY
VILL- RUPASHI (AM) KHANDA
P.O. GAURIPUR
P.S. GAURIPUR
DIST. KOKRAJHAR
ASSAM

3: HAREKRISHNA RAY
S/OLT. KUNDU RAM RAY
VILL- DUMARDAHA (PART-3)

P.S. GAURIPUR
DIST. DHUBRI
ASSAM

4: ASTAMI RAY
W/O MADHABANANDA RAY
VILL- SARPAMARI
P.O. BORJAN
P.S. TAMARHAT

DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R P HAZARIKA, D LASKAR

Advocate for the Respondent : PP, ASSAM, MR B SAIKIA(INFORMANT),MR. S
NEOG(INFORMANT),MS. S G BARUAH(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 06.12.2024

Heard Mr.R.P. Hazarika, learned counsel appearing for the petitioners, Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the state of Assam and Ms. S.G. Baruah, learned counsel appearing for the informant.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioners in respect of Gauripur PS Case No. 230/2024.

3. The deceased worked as a Security Guard. The informant is his wife. They have young child also. The wife of the deceased has alleged that the petitioners, being her father-in-law, brother-in-law and maid had physically and mentally harassed her for a long time. One day she discovered that the body of her husband was lying on the floor of the room.

4. According to Mr. Kaushik, as there was a property dispute between the brothers and the other members of the family and the deceased had supported the decision taken by the family, but his wife was against the decision of the family.

5. Ms. Baruah submits that the informant was physically and mentally harassed for a long time. As a result of which, her husband had committed suicide.

6. The medical report available in the case diary shows that the deceased died because of ante mortem hanging.

7. I have considered the submissions made by the learned counsels of both sides.
8. This Court is of the opinion that under the given circumstances of the case, the petitioners do not deserve to be detained in custody.
9. Therefore, the bail application of the petitioners is allowed.
10. It is hereby directed that in the event of arrest in connection with Gauripur PS Case No. 230/2024, the petitioners, Jaydeb Roy @ Madhabananda Roy, Prasadi Ray, Harekrishna Ray and 4. Astami Ray shall be released on bail of Rs. 25,000/- each with sureties of like amount to the satisfaction of the arresting authority.
11. All the four petitioners are directed to appear before the Investigating Officer as and when called for.
12. With the aforesaid direction, the bail application stands disposed of.
The CD shall be returned.

JUDGE

Comparing Assistant