

GAHC010252552023



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

Case No. : AB/3757/2023

SARBANANDA PATHAK AND ANR
S/O- LATE MAHESH PATHAK, R/O- H/NO. 06, PUBERUN PATH,
BHAGARBORI, P.S. SATGAON, DIST. KAMRUP(M), ASSAM, PIN- 781037.

2: KANAKLATA KALITA
W/O- SARBANANDA PATHAK
R/O- H/NO. 06
PUBERUN PATH
BHAGARBORI
P.S. SATGAON
DIST. KAMRUP(M)
ASSAM
PIN- 781037

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. N K KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10-01-2024

1. Heard Mr. N.K. Kalita, learned counsel for the petitioners *Sarbananda*

Pathak and Kanaklata Kalita.

2. The petitioners namely Sarbananda Pathak and Kanaklata Kalita have filed this application under Section 438 of the Code of Criminal Procedure as they are apprehending arrest in connection with *Satgaon Police Station Case No. 204/2023 under Sections 498(A)/307 Indian Penal Code read with Section 3/5 of Protection of Woman from Domestic Violence Act, 2005.*
3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.
4. I have considered the submissions at the bar.
5. It is submitted on behalf of the petitioners that the prime accused is the husband of the informant. The present petitioners have been implicated in an omnibus manner. There is no specific allegation against the present petitioners. The petitioners are entitled to bail.
6. I have also considered the submissions that the petitioners have appeared before the Investigating Officer and their statements have been recorded. The petitioners have cooperated with the investigation and they have not violated any bail conditions.
7. The interim bail order dated 14.11.2023 is hereby made absolute.
8. Send back the case diary.

Anticipatory Bail application stands disposed of in the above terms.

JUDGE

Comparing Assistant