

GAHC010256212024



2024:GAU-AS:12754

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

Case No. : Bail Appln./3680/2024

BISHAKHA SHARMA
D/O LATE GOPAL SHARMA
R/O HOUSE NO. 43, SIVANATH GOGOI PATH,
PANJABARI, P.S. SATGAON, DIST. KAMRUP (M), PIN- 781037

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P MAHANTA, MS. M BORGOHAIN, M DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

16-12-2024

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

2. By this application filed under Section 483 of the BNSS, 2023, the petitioner, namely, **Bishakha Sharma**, daughter of late Gopal Sharma, resident of Sivanath Gogoi Path, Panjabari, P.S.-Satgaon, District-Kamrup(Metro) is seeking bail in **Hatigaon Police Station Case No. 229/2024**, registered under Sections 308(2)/3(5) of the BNS, 2023,

corresponding to G.R. No. 6102/2024, in which she was arrested on 17.10.2024 and is in custody since then.

3. On the basis of an FIR dated 16.10.2024 lodged by the informant before the Officer-in-Charge of Hatigaon Police Station for blackmailing and demanding of money from him, Hatigaon Police Station Case No. 229/2024 was registered under Sections 308(2)/3(5) of the BNS, 2023, corresponding to G.R. No. 6102/2024 and the petitioner was arrested on 17.10.2024.

4. On being enquired, Mr. K K Parashar, learned APP, Assam submitted that till date, police has not filed the charge-sheet in said Hatigaon Police Station Case No. 229/2024.

5. As in the meanwhile, the petitioner has already completed her statutory/mandatory period of detention of 60 (sixty) days in said Hatigaon Police Station Case No. 229/2024, she is entitled for her default bail.

6. Accordingly, the petitioner, namely, **Bishakha Sharma**, daughter of late Gopal Sharma be released on default bail in said Hatigaon Police Station Case No. 229/2024 on furnishing bail bond of Rs. 45,000/-, with two local sureties each of the like amount, one of which shall be a Government Employee, either State or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), subject to the conditions that petitioner, named above —

i) shall appear before the concerned Investigating Officer of said Hatigaon Police Station Case No. 229/2024 on every Thursday for the next three English Calendar months commencing from 26.12.2024 or till filing of the charge-sheet in the case, whichever is earlier and also as and when she is required in the said case;

ii) shall not leave the territorial jurisdiction of Hatigaon Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;

iii) shall not hamper with the investigation, or tamper with the evidence of the case;

iv) 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 and;

v) shall not involve herself in any criminal activities in future.

7. Any violation of the aforesaid terms and conditions by the petitioner, namely,

Bishakha Sharma, daughter of late Gopal Sharma, the bail granted to her in said Hatigaon Police Station Case No. 229/2024 shall stand automatically vacated.

8. This bail application accordingly stands allowed.

9. Return the Case Diary herewith.

JUDGE

Comparing Assistant