

GAHC010266382023



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

Case No. : AB/4040/2023

KUSUM KONWAR
S/O SRI TILAK KONWAR
R/O SUBAHI, P.O. SUBAHI P.S. DHEMAJI, DIST. DHEMAJI, ASSAM
PIN-787057

VERSUS

THE STATE OF ASSAM
REP. BY ITS PP, ASSAM

Advocate for the Petitioner : MR. L GOGOI

Advocate for the Respondent : PP, ASSAM

Linked Case : AB/4042/2023

GOPAL KONWAR
S/O SRI BOGADHAR KONWAR
R/O SUBAHI
P.S. SUBAHI
P.S. DHEMAJI

DIST. DHEMAJI
ASSAM
PIN-787057

VERSUS

THE STATE OF ASSAM
REP. BY ITS PP
ASSAM

Advocate for : MR. L GOGOI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.01.2024

This is a common order for these two items as they have arisen out of the same police case i.e. Dhemaji P.S. Case No.135/2023 (GR 443/2023), registered under Sections 306 and 34 of the Indian Penal Code.

I have heard the learned counsel Mr. L. Gogoi appearing for the petitioners. Also heard Mr. K.K. Parasar, the learned Addl. Public Prosecutor representing the State of Assam.

One girl named Saniya Buragohain, aged about 20 years, committed suicide by hanging herself in a tree. She left one suicide note stating that because of mental torture given by the present two petitioners, she committed suicide.

The case diary reveals that the girl was maintaining a relationship

with the petitioner Gopal Konwar and subsequently, their relationship soured. In the meantime, the petitioner Kushum Konwar also wanted to have a relationship with the girl.

I have considered the submissions made by the learned counsels of both sides.

This Court is of the opinion that under the given facts and circumstances of the case, no such case is made out against the present two petitioners to justify their detention in custody. Therefore, the anticipatory bail applications of the petitioners are allowed.

It is hereby directed that in the event of arrest in connection with Dhemaji P.S. Case No.135/2023 (GR 443/2023), registered under Sections 306 and 34 of the Indian Penal Code, the petitioners Kushum Konwar in A.B. No.4040/2023 and Gopal Konwar in A.B. No.4042/2023 shall be released on bail of ₹25,000/- each with a surety each of like amount to the satisfaction of the arresting authority. The petitioners are directed to co-operate with police investigation as and when required.

With the aforesaid direction, the applications for bail are disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant