

GAHC010286352023



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

Case No. : Bail Appln./4588/2023

KARUNA KT BARUAH
S/O LATE KIHROD BORUAH
VILL- NAGARIAGAON
P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

01.02.2024

Heard Mr. M.H. Ahmed, learned counsel appearing for the petitioner as well as Mr. P. Borthakur, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This is an application under section 439 of the CrPC for granting bail to the petitioner mainly Karuna Kt. Baruah who was arrested on 03.10.2023 in connection

with Bongaigaon PS Case No. 422/2023 registered under section 302 IPC.

The case of the prosecution in brief is that the accused petitioner had killed the informant's husband over a quarrel on household matters. Mr. Ahmed submits that the petitioner is absolutely innocent and has no criminal antecedent. He further submits that the informant's husband who was the petitioner's eldest son was a habitual intoxicant and drunker. He further submits that the informant's husband did not do any job and use to demand money from the petitioner by threatening to kill him and in the state of intoxication he always use to torture the family members. He further submits that it was the informant's husband who had attacked the petitioner and during the course of saving his life, the informant's husband was killed.

Mr. P. Borthakur, learned Addl. P.P., submits that charge-sheet has been submitted in the case vide C.S. No. 343/2023, dated 28.11.2023 in connection with Bongaigaon P.S. Case No. 422/2023. The said charge sheet is annexed in the additional affidavit filed by the petitioner. Mr. Borthakur opposes the prayer for grant of bail as the offence is serious.

I have heard the submissions made at the bar and had perused the materials available on record.

It appears from the charge sheet that the weapon of murder has already been seized. The blood collected from the body is sent to FSL for matching with murder weapon. It further appears that the complainant and the witnesses had already been examined under section 161 of the CrPC. It further appears that the petitioner had been languishing since last **121 days**.

The offence alleged is undoubtedly grave. The investigation appears to be completed. There is nothing adverse reported as regards the antecedent of the petitioner. The narration of the facts available in the materials in record does not prima facie indicates any motive and in fact it appears that the informant's husband who was the son of the accused petitioner died during a quarrel with the accused

petitioner.

Considering the length of detention, antecedent of the petitioner and the totality of the matter, this court is of the opinion that the petitioner may not be required to be in further detention.

Accordingly, the above name petitioner is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand) with a suitable surety of a like amount to the satisfaction of Chief Judicial Magistrate, Bongaigaon subject to the conditions that:-

- (1) The petitioner shall appear before the investigating officer as and when required.
- (2) The petitioner shall appear before the trial court on all dates fixed.
- (3) The petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

It is needless to clarify that any observations made in this order is tentative and for the purpose of disposal of this bail application only and shall not be used for any other purpose, including in the trial yet to be commenced. None of the observations shall have any bearing on any other proceedings.

With the above observations this application is hereby disposed of.

JUDGE

Comparing Assistant