

GAHC010293722023



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

Case No. : Bail Appln./4701/2023

SOMESWAR KOURANYA @ SOMESHWAR KOURANYA SARMA @ SUMESH
SARMA
S/O SHRI SIVA KUMAR SARMAH
R/O VILL- BORVETI, NALBARI POLICE STATION, SOOTEA, DIST.
BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM ,REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. DITUL DAS
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05-01-2024

Heard Mr. D. Das, learned counsel for the accused and also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Someswar Kouranya @ Someshwar Kouranya Sarma @ Sumesh Sarma, who has been languishing in jail hajot since 18.12.2023, in connection with Sootea P.S. Case No. 136/2023, under Sections 306/34 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by

one Khem Raj Chetri, on 16.12.2023.

The essence of allegation, made in the FIR, dated 16.12.2023, is that one Rahul Thapa, the ex-boyfriend of her sister, Smti 'X' (name withheld) and the present boy friend of her sister Sri Sumesh Sarma, both, subjected her sister to mental torture. As a result of which her sister committed suicide on 15.12.2023 at about 9-30 AM.

The learned counsel for the accused submits that the accused is innocent and no way involved with the offence alleged in the FIR and he will cooperate with the investigating agency and therefore, Mr. Das contended to allow the petition.

On the other hand, Mr. R. J. Barua, learned Addl. P.P. submits that the I.O. has collected sufficient incriminating materials against the accused. Referring to the statement of one of the friend of the victim, recorded under Section 164 Cr.P.C, Mr. Barua submits that she has implicated the accused with the offence alleged in the FIR and therefore, Mr. Barua has opposed the petition.

Having heard the submission of learned Advocates for both the parties I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P.

The case diary indicates that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR. Investigation is going on and the offences are also serious in nature and therefore, this Court is of the view that this is not a fit case to grant the privilege of bail, at this stage. Accordingly, the petition stands dismissed.

Case diary be returned.

JUDGE

Comparing Assistant