GAHC010023512020

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

Case No. : AB 406/2020

1:PALLAB DEURI
S/O DHARENDRA DEURI, R/O PILLINGKATA, NEAR HIGH SCHOOL, HOUSE NO. 26 (B), P.S.-BASISTHA, DIST-KAMRUP (M), ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 03-02-2020

Heard Mr. S. Munir, learned counsel for the accused-petitioner as well as Mr. NJ Dutta, learned Additional P.P., Assam, appearing on behalf of the State/respondent.

By this application, under Section 438 CrPC, the petitioner, namely, Pallab Deuri, has prayed for pre-arrest bail in the event of arrest in connection with Basistha PS Case No. 179/2020 registered u/s 498(A) IPC.

Perused the case records, FIR and documents annexed.

The informant of the present FIR is the wife of the petitioner. After continuing 12 years marital life, present FIR has been lodged alleging that since last year, the accused-petitioner

has creating unrest in their family life by playing gamble in their own house and also rebuked and assaulted her very often, on her protest.

Learned counsel for the petitioner has, now, submitted that there is nothing serious incident happened and he intends to settle the matter amicably, for the sake of his children/family.

Considering the nature of accusation and the length of marital life etc., it transpires that no such serious offence is made out within the purview of Section 498(A) IPC, as alleged. Accordingly, the prayer for pre-arrest bail is granted.

The accused-petitioner, named above, shall be released on pre-arrest bail in the event of arrest in connection with the aforesaid case, on furnishing bail bond of Rs.10,000/- with one surety of the like amount to the satisfaction of the arresting authority, on condition that he shall appear before the I.O. of the case within 15 days from today to get his statement recorded as regards the settlement of the dispute and shall cooperate with the investigation of the case as and when required.

The application stands disposed of at the motion stage itself.

JUDGE

milansinha/

Comparing Assistant