GAHC010127502020

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

Case No. : AB/2526/2020

DEBOJIT DAS @ RAJA
S/O SRI DEBASHIS DAS, R/O COLLEGE ROAD, RAMKRISHNA NAGAR, P.S.-RAMKRISHNA NAGAR, DIST-KARIMGANJ, PIN-788710, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

16-12-2020

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioner, namely, **Debojit Das @ Raja**, apprehending arrest in connection with **Ratabari Police Station Case No. 48/2020,** registered **under Sections 302 of the IPC**.

Heard Mr. S.C. Biswas, learned counsel appearing for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor.

The case diary produced has also been perused.

The *post mortem* examination report of the deceased shows that the death was due to asphyxia, as a result of *ante mortem* hanging. The FIR itself shows that the deceased committed suicide at her own house by hanging. The materials in the case diary, particularly,

the statement of the informant also shows that the deceased had love affair with the petitioner and the petitioner had uploaded some objectionable photographs of the victim in facebook and also subjected her to mental torture, which may be the cause of committing suicide by the deceased.

On perusal of the case diary it does not appear that there is any such material collected by the Investigating Police Officer to connect the death of the deceased with the fact of uploading of the objectionable photographs etc.

Therefore, considering the materials in the case diary, this Court is of the view that the petitioner is entitled to the grant of privilege of pre-arrest bail. That being so, the petitioner is granted the privilege of pre-arrest bail. The petitioner is availing the interim pre-arrest bail vide order, dated 01-10-2020.

Accordingly, the interim protection granted to the petitioner, vide order dated 01-10-2020, is made **absolute** by this order on the same terms and conditions.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant