GAHC010150582020

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

Case No. : AB/3001/2020

MUHIDHAR BORDOLOI AND ANR
S/O SRI RAJANI BORDOLOI, R/O VILL-NO. 1 SONAPUR, P.O.-JUNKARENG, P.S.-JONAI, DIST-DHEMAJI, ASSAM

2: SMTI. URMILA BORDOLOI @ AMILA BORDOLOI
W/O SRI RAJANI BORDOLOI
R/O VILL-NO. 1 SONAPUR
P.O.-JUNKARENG
P.S.-JONAI
DIST-DHEMAJI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

:: O R D E R ::

03.12.2020

This is an application made under **Section 438 Cr.P.C.**, seeking pre-arrest bail by the petitioner, namely, **Muhidhar Bordoloi and Smt. Urmila Bordoloi @ Amila Bordoloi** in connection with **Jonai PS Case No. 109/2020**, registered **under Sections 498(A)/506/34 of**

IPC.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, Assam. Also perused the case diary and the documents annexed.

Although the informant entered into marriage with the present accused petitioner No.1 has alleged in the FIR that she was subjected to cruelty since after one year of her marriage but there is no such supporting evidence in this regard. Neighbors also seen them quarreling each other many times but there was no matter of assault. There is no valid evidence that assault was made for dowry demand to attract the offence under Section 498(A) IPC. No any medical report is also found to support such contention of assault.

Considering all entirety of the matter it transpires that custodial detention of the accused persons are not warranted. Accordingly, the interim bail granted to the petitioner No.2, Smt. Urmila Bordoloi @ Amila Bordoloi is hereby made absolute and the petitioner No.1, namely, Muhidhar Bordoloi is allowed to go on pre-arrest bail of Rs.10,000/-, with one surety of like amount, in the event of his arrest by the arresting officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant