GAHC010153452020

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

Case No. : AB/3048/2020

NILAKSHI RAY
W/O. PROFULLA RAY, R/O. UTTAR KHANCHUKHAMAR, P.O. PAGLAHAT, P.S. TAMARHAT, DIST. DHUBRI, ASSAM, PIN-783334.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. M A MONDAL
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

15-12-2020

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioner, namely, **Nilakshi Ray,** in connection with **Tamarhat Police Station Case No. 114 of 2020**, registered **under Sections 147/148/149/448/302 of the IPC**.

Heard Mr. P. Alhadin, learned counsel appearing on behalf of the conducting counsel for the petitioner, Mr. S.I. Akand, and Ms. A. Begum, learned Additional Public Prosecutor, Assam.

The case diary produced has been perused.

On perusal of the case diary, particularly, the statements of the witnesses, it appears that although the witnesses have named the persons, who assaulted the deceased resulting in his death yet the present petitioner is not named by any of the witnesses to have participated in the assault inflicted upon the deceased. On the other hand, the statements of the witnesses show that the petitioner appeared at the scene of occurrence later on, at the time of taking the deceased to the hospital in 108 Ambulance.

Such being the materials in the case diary, it does not appear to this Court that the custodial interrogation of the petitioner is essential. That being so, the petitioner is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, above named, in connection with the case aforementioned, she shall be released on furnishing bail bond of **Rs.10,000/-**, with **a suitable surety** of the like amount, to the satisfaction of arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating of concerned Police Station, within seven days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant