GAHC010162422020

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

Case No. : Bail Appln./2497/2020

SAHITAN NESSA
W/O CHABDER ALI, R/O BEJORSUTI, P.O.-MAHTOLI, P.S.-BOKO, DIST-KAMRUP, ASSAM, PIN-781136

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 21.12.2020

Heard Mr. AK Ahmed, learned counsel for the petitioner and Mr. NK Kalita, learned Additional Public Prosecutor, Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Sahitan Nessa** has prayed for granting bail in connection with **Boko P.S. Case No. 1068/2020** under Sections 302/34 of the IPC.

Case diary, as called for, is received without the post-mortem report.

Mr. AK Ahmed, learned counsel appearing for the accused petitioner, submits that the accused petitioner is behind the bar for 80 days and she is aged about 62 years and therefore, considering the length of detention, she may be granted bail.

Mr. NK Kalita, learned Addl.P.P. Assam submits that perusal of the case diary shows that there are prima facie materials against the accused petitioner. Mr. Kalita further submits that investigation in respect of the petitioner in the alleged offence has substantially progressed and as such, considering the length of detention, prayer for bail may be granted.

Having heard the learned counsel of both sides and perusal of the case diary, this Court is of the view that there are prima facie evidence against the petitioner. However, considering the length of detention and in the backdrop of facts and evidence, further detention of the petitioner may not be necessary for the purpose of investigation.

Therefore, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.25,000/-** with one surety of the like amount to the satisfaction of the learned **JMFC, Boko,** subject, of course, to the following conditions:

1. That the accused shall co-operate in the investigation as and when required;

2. That the accused 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 either to the Court or to any police officer; and

3. That the accused shall not commit any similar offence, of which she is suspected of commission.

Return the case diary.

With the above directions, the bail application stands disposed of.

JUDGE

Comparing Assistant