GAHC010172112020

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

Case No. : AB/3458/2020

RITA DAS
W/O SRI MAHANANDA DAS, R/O DILIP HUZURI PATH, NEAR B.ED. COLLEGE, FATASIL AMBARI, SEGUN BARI, P.O.-FATASIL AMBARI, P.S.-FATASIL AMBARI, GUWAHATI-781025, DIST-KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 21-12-2020

Heard Mr. N Mahajan, learned Counsel for the petitioner and Ms. SH Borah, learned Addl.Public prosecutor for the State respondent.

By this petition under Section 438 Cr.P.C., the petitioner, namely**, Rita Das** has prayed for pre-arrest bail apprehending arrest in connection with **Fatashil Ambari PS Case No. 457/2020** under Sections 306/120B/302 of the IPC.

The case diary along with post mortem is received but the FSL report is not available.

Perusal of the post-mortem report does not ascertain the cause of the death of the victim and therefore, viscera has been sent for chemical examination.

Mr. N Mahajan, learned counsel for the petitioner submits that the main accused namely, Shyamal Das who is the husband of the victim woman has been arrested and granted bail by this Court vide order, dated 16.12.2020 in Bail Application No. 2671/2020 and the present petitioner has no involvment in connection with the alleged offence and as such, she may be granted the privilege of pre-arrest bail.

Ms.SH Borah, learned Addl.P.P. submits that from the perusal of the case diary, it appears that there is no concrete material against the petitioner and further submits that the prime accused has already been granted bail.

The allegation in the FIR is that on 28.10.2020, the mother-in-law of the victim woman informed the brother of the victim, that his sister had expired on the same day.

Having considered the above submissions of the learned counsel of both sides and the facts and circumstances that emerge from the case diary, it appears that there is no prima facie evidence to show that the petitioner had abetted the commission of suicide by the victim subject, of course, to final outcome in the investigation. The investigation appears to have substantially progressed in respect of the petitioner and as such, her custodial interrogation is felt not necessary in the interest of the ongoing investigation into the case.

Therefore, it is provided that in the event of arrest of the petitioner, named above, she shall be released on pre-arrest bail, on furnishing bail bond of **Rs.20,000/-** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(i) That the petitioner shall appear before the Investigating Officer within 10 days;

(ii) That the petitioner shall not hamper or tamper with the investigation in any manner; and

(iii) That the petitioner 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/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant