GAHC010291992019

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

Case No. : AB 4246/2019

1:KAMAL KUMAR AND ANR.
S/O LATE ANIL KUMAR, R/O VILL-PITAMBAR HATBAJALI, P.S.-RANGIA, DIST-KAMRUP, ASSAM

2: SMTI. RADHE KUMAR
W/O LATE ANIL KUMAR
R/O VILL-PITAMBAR HATBAJALI
P.S.-RANGIA
DIST-KAMRUP
ASSA

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 08-01-2020

Heard Mr. A. K. Azad, learned counsel for the petitioners and learned Addl. PP, Assam.

This is an application under Section 438 Cr.P.C. filed by the petitioners, namely, Kamal Kumar and Radhe Kumar, praying for pre-arrest bail apprehending arrest in connection with Rangia P.S. Case No. 1104/2019 under section 498 (A)/34 IPC.

Case diary called for is received and perused.

The petitioners were granted interim pre arrest bail and in the meantime they have been interrogated.

Allegations against the petitioners are that the informant was subjected to cruelty by the petitioner being the husband of the informant.

The case diary does not reflect any incriminating material to justify the necessity of custodial interrogation of the petitioners and as such, prayer for pre arrest bail deserves to be allowed.

Accordingly, the order dated 28.11.2019, granting interim bail to the petitioners is hereby made absolute under the same terms and conditions.

The pre-arrest bail application stands disposed off.

Send back the case diary.

JUDGE

Comparing Assistant