GAHC010245042026

2026:GAU-AS:17352

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

Case No. : Bail Appln./3582/2026

RAJU GHOSH
S/O LATE BOLORAM GHOSH, R/O VILL DAKHIN LUMDING, DURGA COLONY, WARD NO 13, PS LUMDING, DIST HOJAI, ASSAM

VERSUS

STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN,MD A RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : ***23.11.2026***

Heard Mr S Nawaz, learned counsel for the petitioner. Also heard Mr P Borthakur, learned Additional Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for bail in connection with Lumding PS Case No. 156/2026, under Section 103(1) of the BNS, 2023 as well as Section 471 of the IPC, 1860.

3. The FIR in connection with which the petitioner was arrested on 20.09.2026, was lodged by the father of the victim, stating *inter alia,* that his daughter was subjected to physical and mental torture by the petitioner, i.e., her husband for demand of money. It is further stated that when his another daughter called up on the phone of the victim, there was no reply and that another person replied that the victim had fell in the well.

3. The learned counsel for the petitioner submits that the present case is not a case of murder, but is a case of suicide and that the victim had killed herself by jumping into the well. He further submits that the statement of the 8-years-old daughter of the petitioner, wherein it is seen that the daughter had stated before the Magistrate that she had seen her father pushing her mother into the well, he submits that the same cannot be believed that the 8-years-old daughter of the victim was staying with her maternal relatives and there is every possibility that she is tutored

5. On the other hand, Mr P Borthakur, the learned Additional Public Prosecutor for the State, on perusal of the Case Diary submits that the torture upon the victim is stated by the witnesses and that the 8-years-old daughter had stated that her father had killed his mother.

6. Upon consideration of the submissions made by the learned counsels for the parties, this Court finds as follows:

i) The 8 years-old daughter of the victim in her statement before the Police had although stated that her father had killed her mother, but on the query put by the Police, as to whether she had seen it, she stated that she has not seen it but heard it. Although the said witness had stated before the Magistrate that her father had pushed her mother into the well, but the said statement is in

contradiction to the statement made by the said witness before the Police. As such, this Court enlarges the petitioner on bail on furnishing a bail bond of Rs. 20,000/-, with one surety of the like amount to the satisfaction of the CJM, Hojai, under the following conditions:-

i) the petitioner shall appear before the Investigating Officer/concerned Court as and when called for.

ii) the petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

iii) the petitioner shall not leave his residence without prior permission of the Investigating Officer.

6. Bail Application stands disposed of.

7. Send back the Case Diary.

JUDGE

Comparing Assistant