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2026:GAU-AS:16469

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

Case No. : Bail Appln./3597/2026

KAILASH DUTTA
S/O. LATE BALIRAM DUTTA, R/O. VILLAGE CHAREMARI, P.S. MUSHALPUR, DISTRICT BAKSA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

10.11.2026

1. Heard Mr. B. Chowdhury, learned counsel appearing for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for bail in connection with Sessions Case No. 132 of 2025 registered under Section 103(1) of the BNS, 2023 corresponding to Mushalpur P.S. Case No.77/2025 pending before the

Court of learned Sessions Judge, Baksa.

3. The FIR in connection with which the petitioner was arrested on 25.09.2025 was lodged by the father of the victim alleging *inter alia* that on 24.04.2025 at about 8:40 a.m., a quarrel took place between the petitioner and his daughter-in-law over certain domestic matters. It was alleged that as a result of the said quarrel, the petitioner assaulted his daughter-in-law. Subsequently, when the victim was taken to the hospital, she was declared dead during the course of treatment.

4. The learned counsel appearing for the petitioner submits that the incident arose out of a minor quarrel between the petitioner and his daughter-in-law and that there is no eyewitness to the alleged incident. He also submits that the trial is in progress and that out of the total 16 witnesses cited by the prosecution, 5 witnesses have already been examined. However, none of the witnesses examined so far has stated to have witnessed the alleged incident.

5. Mr. D.P. Goswami, learned APP on the other hand submits that the allegations made in the FIR are serious in nature. He therefore prays for calling for the TCR to ascertain the complicity of the petitioner in the alleged offence.

6. Upon consideration of the submissions made by the learned counsel for the parties, this Court finds that one of the witnesses has stated that the petitioner had made an extra judicial confession before a villager that he had assaulted his daughter-in-law. However, considering the fact that the trial is in progress and the petitioner is required to defend himself in the said trial, this Court deems it fit to enlarge the petitioner on bail on furnishing a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with one local surety of a like amount to the satisfaction of the learned Sessions Judge, Baksa subject to the following

conditions:

(i) The petitioner shall appear before the Trial 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 place of residence without the prior permission of the Investigating Officer.

7. Accordingly, this Bail Application stands disposed of.

JUDGE

Comparing Assistant