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

Case No. : Bail Appln./3613/2026

DEBASHISH SAIKIA ALIAS DEVASISH SAIKIA AND ANR
S/O SRI RUPESWAR SAIKIA, R/O - VILLAGE - BORPATHAR BORPATHAR CHARIALI, P.S. - NARAYANPUR, DISTRICT - LAKHIMPUR, ASSAM, PIN - 784164.

2: SMTI JOON DEURI SAIKIA ALIAS JUN DEURI SAIKIA
W/O SRI RUPESWAR SAIKIA
R/O - VILLAGE - BORPATHAR BORPATHAR CHARIALI
P.S. NARAYANPUR
DISTRICT - LAKHIMPUR
ASSAM
PIN - 784164

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. S K TALUKDAR, K G CHOWDHURY,L P BORAH,MR. J M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 19.11.2026

Heard Mr. JMA Choudhury, learned Counsel for the petitioner and Mr. RJ Baruah, learned Additional Public Prosecutor for the State.

2. By this application, the petitioners have prayed for bail in connection with Narayanpur PS Case No. 63/2026 registered under Section 85/103(1)/3(5) of BNS, 2023. By the last order dated 10.11.2026, the petitioner no.2, who is the mother of petitioner no.1 was enlarged on bail and today, the bail prayer of petitioner no.1 is considered. The FIR in connection with which the petitioner no.1 was arrested on 16.10.2026 was lodged by the father of the victim stating inter alia that the victim was subjected to physical and mental torture by her husband and that on 16.10.2026, the deceased called up the informant through her father in laws phone and informed that she was tortured and that on the next day, early in the morning, the father in law of the deceased called up the informant stating that the victim had died.

3. The learned Counsel for the petitioner submits that in the forwarding report, it is stated that victim had left a note in her bag but the said note was not recovered but another message was recovered by the police, which was sent by the victim to her husband wherein, she stated that in order to get relief from her husband's torture, she bade good bye to him. He submits that the

instant case is not a case under Section 103(1) but at best it can be a case for abatement.

4. On the other hand, Mr. RJ Baruah, learned Additional Public Prosecutor for the State on perusal of the Case Diary submits that there are witnesses, who had stated about the quarrel between petitioner no.1 and the victim and that on perusal of the postmortem report, he submits that the final cause of death is not discernible as the contents of the stomach was sent to the Forensic Science Laboratory, (FSL). He also submits that the message left by the deceased shows the complicity of the petitioner no.1.

5. Upon consideration of the submissions made by the learned Counsel for the parties, the Court finds as follows:

From the post mortem report, it is discernible that a mark was found high up in the neck above the thyroid cartilages and drawn towards the nape of the neck, which suggests suicide. It is also seen that the victim had given a message to her husband that she bade good bye to him. It is therefore discernible that the present case seems to be not a case under Section 103 BNS but a case of abetment and it is held by the Apex Court that direct materials are required in order to prove a case for abatement and as such, this Court deems it fit to enlarge the petitioner on bail on furnishing of bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of CJM, North Lakhimpur, Lakhimpur under the following conditions:

i) the petitioner no.1 will appear before the appear before the Investigating Court as and when called for.

ii) the petitioner no.1 will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iii) the petitioner no.1 will not leave the place of jurisdiction without the permission of the concerned Court.

6. Petition is disposed of.

JUDGE

Comparing Assistant