GAHC010248372026

undefined

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

Case No. : AB/2834/2026

RAJIB MALAKAR
SON OF RAJENDRA MALAKAR, AGED ABOUT 24 YEARS, RESIDENT OF NO.1 SARAGAON, BIJNI, DISTRICT-CHIRANG, ASSAM, PIN-783390.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D CHOUDHURY, MS. A KHARBANI,MR. R K SARMA,MR J DAS,MR T CHAKRABORTY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 10.11.2026

Heard Mr. D. Choudhury, learned Counsel for the petitioner and Mr. DP Goswami, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for pre arrest bail in connection with Bijni P.S. Case No. 141/2026 registered under Section 108 of

BNS, 2023. The FIR in connection with which the petitioner is apprehending arrest was lodged by the brother of the victim stating inter alia that his sister had relationship with the petitioner and that of late there was some issues with regard to their relationship and that he came to know that the petitioner was maintaining a relationship with another girl and as such, he submitted that his sister due to the said reason committed suicide.

3. The learned Counsel for the petitioner submits that the ingredient of abatement is no where present in the FIR.

4. On the other hand, Mr. DP Goswami, learned Additional Public Prosecutor for the State submits that the victim had committed suicide and that the Case Diary be perused in order to see the direct complicity of the petitioner.

5. Upon consideration of the submissions made by the learned Counsel for the parties, more so, in view of the fact that it is a settled position of law in order to establish the offence of abatement, direct materials are required and as such this, this Court deems it fit to enlarge the petitioner on pre arrest bail on furnishing of bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of Arresting Authority under the following conditions:

i) the petitioner will appear before the Investigating Officer within 15 days from the date of the order and will appear before the Investigating Officer as and when called for.

ii) the petitioner will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iii) the petitioner will not leave the place of jurisdiction without the permission of the Arresting Authority.

6. Petition is disposed of.

JUDGE

Comparing Assistant