

GAHC010046892025



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

Case No. : AB/593/2025

SMT DIPANDITA @ DIPANWITA DEKA @ BORA @ PINKY AND ANR.
W/O SRI BISWAJIT DEKA
R/O HOUSE NO. 72, CHINTAGAON
P.O.AND PS. KALAIGAON
DIST. UDALGURI, BTR, ASSAM
PIN-784525.

2: SMT JAYSHREE BORAH @ MOON
W/O LT. BIREN SAHARIA
R/O CHINTAGAON

P.O.AND P.S. KALAIGAON

DIST. UDALGURI
BTR
ASSAM
PIN-78452

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S CHAUHAN, B CHOWHAN, M. BORUAH, MR. P MAZUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17.03.2025

Heard learned counsel Mr.S.Chauhan for the petitioners, Smt Dipandita @ Dipanwita Deka @ Bora @ Pinky and Smt Jayshree Sahariah @ Borah @ Moon. The petitioners have filed this application under Section 482 of the BNSS, 2023 with a prayer for pre-arrest bail as they are apprehending arrest in connection with Kalaigaon P.S.Case No. 83/2024 under Sections 61(2)/117 (2)/109/351 (2) (3)/3(5) of the BNS.

Heard learned Addl.Public Prosecutor Mr. K.Baishya for the respondent State, who has raised serious objection stating that the FIR Clearly discloses that the petitioners have assaulted an old woman, aged about 69 years.

The Order dated 16.12.2024 passed by the learned Sessions Judge, Udalguri in Misc. (B) No. 214/2024 suggest grievous injuries sustained by the informant. It is submitted by the petitioners that the petitioners are housewives and in the event of their arrest, their children will suffer immensely. It is further submitted that the petitioners are local residents and they will co-operate with the investigation. No notice was issued against the petitioners considering the fact that this offence is related to the grievous injury.

I have considered the submissions at the Bar with circumspection.

It appears that interim bail may be granted to the petitioners.

I have considered that the petitioners are local residents and they are not at a

flight risks.

I have also considered that the petitioners are willing to co-operate with the remaining part of the investigation.

In the interim and in the event of arrest of the petitioners named above, they shall be released on interim pre-arrest bail on furnishing bail bond of Rs.50,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority subject to the following conditions:

- i) That the petitioners shall appear before the I.O. within one week from today and shall co-operate with the investigation,
- ii) That the petitioners shall not exercise any threats or influence any witness,
- iii) That the petitioners shall refrain from such activities with which they are alleged,
- iv) That the petitioners shall not leave the jurisdiction without prior permission,

On breach of any of the above conditions, the interim pre-arrest bail shall automatically stand cancelled.

List the matter on **22.04.2025** for production of Case Diary.

JUDGE

Comparing Assistant