

**ORDER SHEET FOR MAGISTRATE'S RECORDS. Adv: S.K. Singh.
DISTRICTS : SONITPUR**

IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR

MISC. (CRIMINAL (Bail) Case No. 513 of 2022 and 514 of 2022

Dinesh Poudel & Ranjan Bhandari , Petitioners VS. STATE OF ASSAM.

Sl. No.	Date	<u>order</u>	Signature
	<u>31-10-22</u>	<p>Seen the petition No. 2237/22 filed by one Dinesh Poudel, seeking bail for accused Deepa Devi and petition No. 2236/22 filed by one Ranjan Bhandari seeking bail for accused Tirtharaj Chetry, Smti Pabitra Devi and Durga Bahadur Chetry respectively, in connection with Dhekiajuli PS Case No. 301/2022 u/s 302 IPC, corresponding to GR case No. 2084/22.</p> <p>Since both the bail applications have arisen out of the same police case hence, for the sake of convenience taken up together for disposal.</p> <p>I have heard the learned lawyers appearing for both sides. I have also gone through the case diary.</p> <p>The allegation made in the FIR in brief is that the youngest daughter of informant Bobita Chetry was married to accused Tirtharaj Bhandari about three years back and out of their wedlock a female child was born to them, aged 3 years, however having got the news of death of her daughter informant saddened and shocked. On the day of death, at about 5.30 PM, informant talked with his daughter over phone. Informant suspects that his daughter was killed by accused-husband and his</p>	

family members and kept her body hanging to give the impression that she committed suicide. Hence, the case for taking action.

Learned counsel appearing for the State Mr. Munin Chandra Baruah submits that it was a case of cold blooded murder but in order to save the skin, accused have foisted a story of committing suicide by deceased which is unlikely by a young married girl having a minor kid of three years old. Given the nature and gravity of the offence, accused persons do not deserve to be released on bail.

On the other hand, learned counsel appearing for accused persons submits that the deceased committed suicide without any rhymes and reasons. But police wrongly arrested the accused persons only on suspicion of having attributed the death of deceased. Accused persons are totally innocent and they were booked by police only because all are family members of accused Tirtharaj Chetry.

Having heard the contentions of the learned counsel appearing for both sides and on careful perusal of the case diary, it transpires that there is sufficient indication in the case diary of having been subjected physical torture upon the deceased not only by accused husband but also by the in-laws of the deceased. There is sufficient indication in the case diary of having quarrel of deceased with her husband and the post mortem report also do not clearly reveal the cause of death of deceased yet. The doctor who did the post mortem of deceased

sent the viscera to FSL, Kahilipara, Guwahati for examination and the opinion of the doctor is kept pending till receipt of chemical analysis report. It is seen that the investigation of the case is still going on and the cause of death of the deceased has not yet come to light which can be ascertained only after receipt of viscera report. Since, accusing finger is sharply pointed out against the present accused persons for the death of deceased and the actual cause of death is still not clearly emerged before this court and on the other hand, the nature and gravity of the offence is serious in nature, therefore, given the nature of the offence alleged against the accused persons, this court do not consider it a fit case to release the accused persons on bail. In the matter of granting bail for the offences like the murder, what weigh before the court is the nature and gravity of the offence, the chances of influencing the prosecution witnesses and the likelihood of fleeing away accused persons from justice etc.

In the present case undoubtedly, the case diary indicates complicity of the accused persons in the alleged offence.

In the result, the bail prayer of the all the accused persons is rejected.

Accordingly, both the Misc. CrI. (bail) cases stand disposed off.

Let case diary be returned along with a copy of this order.

(C.B. Gogoi)
Sessions Judge,
Sonitpur, Tezpur

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