

GAHC010065362022



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

Case No. : Bail Appln./741/2022

MINI SINGH
W/O SRI GOUTAM SINGH
@ GOTAM SINGH
R/O CIVIL ROAD, KALYANPUR, P.S. AND DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

29.04.2022.

By filing this petition under Section 439 of the CrPC, petitioner Smti Mini Singh has prayed for releasing her on regular bail in connection with the Nagaon P.S. Case No.332/2022, under Section 392 of the IPC.

Heard the learned counsel for both sides and perused the record and the case diary.

So far the allegation is concerned, the informant alleged that on his return in the vehicle of the accused No.1, with an amount of Rs.20,88,000/-, some unidentified persons snatched away the money from him by stopping the vehicle on the road. The persons named in the FIR as accused are: Nayanmoni Sarma (driver of the car), Goutam Singh and one Sitika.

The case diary reveals that it was the FIR named accused persons who committed the offence and snatched the money from the informant and the prime accused is Goutam Singh, who committed the offence along with other accused persons. The present petitioner is the wife of Goutam Singh (whose name is shown as Golam Singh, in forwarding) and said Goutam Singh is absconding after the occurrence and his wife has been apprehended on the ground that the money has been deposited in her hand but the money has not yet been recovered.

Considering the fact that the entire incident is committed by the husband of the present petitioner along with others, named in the FIR, the present petitioner being the wife of the FIR named accused, cannot be roped into, unless some specific overt act is made by her. Accordingly this Court is of the view that, further custodial detention of the accused/petitioner can be dispensed with, although the I.O. has raised bail objection, in the interest of recovery of the money and the same cannot be entertained, since the petitioner did not take part in the offence committed by her husband .

Accordingly the accused petitioner, named above, is allowed to go on regular bail of Rs.20,000/- with one surety of like amount, to the satisfaction of learned CJM, Nagaon, in connection with the Nagaon P.S. Case No.332/2022.

The bail petition stands disposed of accordingly.

Return back the case diary forthwith.

JUDGE

Comparing Assistant