

GAHC010015802023



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

AB/62/2023

SERIJUN BEGUM BARBHUIYA @ SIRIBUN NESA BARBHIYA AND ANR
W/O LT. MAFASIL ALI BARBHUIYA R/O VILL. NUTAN RAMNAGAR PT- I P.S
SONAI DIST. CACHAR ASSAM

2: SALMA SULTANA LASKAR @ BARBHUIYA @ HIRAMONI
W/O SAHA ALOM LASKAR R/O VILL. KAPTANPUR PT-XII P.S AMARGHAT
DIST. CACHAR ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. M KHAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

07.02.2023

1. Heard Mr. M. Khan, learned counsel for the petitioners as well as Mr. B.B. Gogoi, learned Addl. P.P. appearing for the State.

2. The petitioners, namely, (1) Serijun Begum Barbhuiya @ Siribun Nesa Barbhuiya and 2. Salma Sultana Laskar @ Barbhuiya @ Hiramoni have filed an application under Section 438 Cr.P.C. with prayer for pre-arrest bail in connection with Sonai P.S. Case No. 219/2022 under Sections 302/34 IPC.

3. I have considered the submissions at the bar.

4. I have perused the case diary.

5. It is submitted on behalf of the petitioners that they have been roped in, in connection with the aforementioned case. They are not responsible for the death of the deceased.

6. The FIR unfolds that the petitioner's wife was subjected to cruelty by the petitioner and his family members. Earlier a criminal case against the petitioner and his family members was lodged by the deceased which ended in a compromise.

7. After the settlement, the petitioner prevented the deceased from calling her family members. On 13.11.2022 at about 6:00 A.M. the petitioner informed the informant's mother about the death of the deceased. The petitioner informed them that the deceased died as a result of drowning.

8. The learned Addl. P.P. has raised objection that under mysterious circumstances, some injuries were detected on the body of the deceased.

9. I have perused the case diary. The post-mortem report depicts that the petitioner's death is the result of ante-mortem drowning. It appears that investigation has progressed substantially.

10. I have considered that the petitioners are local residents. The petitioners have also submitted that they will not evade arrest.

11. Considering all aspects, the interim bail granted to the petitioner No. 1, vide order dated 09.01.2023, is hereby made absolute. In addition, the

petitioners are to abide by the conditions imposed upon them vide order dated 09.01.2023.

12. In the event of the arrest of the petitioner No. 2, namely, Salma Sultana Laskar @ Barbhuiya @ Hiramoni shall be enlarged on bail in connection with Sonai P.S. Case No. 219/2022 under Sections 302/34 IPC, on furnishing bail bond of Rs.25, 000/- with one suitable surety of like amount to the satisfaction of the arresting authority under the condition that:-

(1) the petitioner will refrain from such activities with which she is alleged; and

(2) the petitioner will not leave the jurisdiction of the trial Court without prior permission of the Eleka Magistrate, till completion of investigation.

13. The application stands disposed of.

14. Send back the case diary.

JUDGE

Comparing Assistant