

GAHC010020692023



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

Case No. : AB/291/2023

SIDDIK ALI
S/O- HABEJ ALI, R/O- VILL- GADAIJHAR, P.O. AND P.S. DALGAON, DIST.
DARRANG, ASSAM, PIN- 784116.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MS N N AHMED
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22-02-2023

Heard Mr. M.Z. Shah, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. The petitioner, namely, Siddik Ali has filed an application under Section 438 Cr.P.C. with a prayer for pre-arrest bail as he is apprehending arrest in connection with Dalgaon P.S. Case No.27/2023 registered under Section 306 IPC.

3. The FIR unfolds that on 13.01.2023 at about 10 AM the sister of the informant committed suicide because the accused petitioner circulated rumours in the village that he will marry to his

sister and the deceased who was unable to bear the scandalous statements was abetted to commit suicide.

4. Learned Addl. PP has raised objection to the prayer for bail stating that there are cogent materials in the case diary against the petitioner.

5. Learned Addl. PP has submitted that the post-mortem report has not been received.

6. The statement of the informant made under Section 161 Cr.P.C. reveals that the deceased had been working as a domestic helper in the house of the petitioner for 7 to 8 years and the petitioner promised to marry her, but he did not keep his promise and whenever the sister of the informant got a proposal for marriage from any other person, he used to interfere.

7. I have perused the statements of the witnesses recorded under Section 161 Cr.P.C. along with the case diary.

8. There are incriminating materials against the petitioner that he was spreading rumours against the deceased. It is submitted on behalf of the petitioner that an offence under Section 306 IPC is not made out. There are no materials that the petitioner instigated the deceased to commit suicide. His intention to instigate the informant's sister to commit suicide is not discernible from the allegations.

9. I have considered the submissions at the Bar.

10. At this juncture, I would not like to comment on the merits of the evidence garnered by the investigating agency. However, I have given my anxious consideration to the submissions at the Bar.

11. In the event of arrest of the petitioner, namely, Siddik Ali, he shall be released on bail on furnishing bail bond of Rs.50,000/- with one suitable surety of like amount to the satisfaction of the arresting authority under the condition that the petitioner shall co-operate with the investigation of the case and appear before the IO of the case within a period of 10 (ten) days from today. The petitioner will not exercise any threats to the witnesses or tamper with the evidence.

12. With the above observations and directions, the present petition stands disposed of.

JUDGE

Comparing Assistant