

GAHC010049502023



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

Case No. : AB/777/2023

NURZZAMAN SK AND 2 ORS
S/O ABDUL JOBBER
VILL- SANTIPUR
P.S. SUKCHAR
DIST. SOUTH SALMARA- MANKACHAR
ASSAM
PIN-783128

2: SAYODA BIBI
W/O NOZRUL ISLAM
R/O VILL- SANTIPUR
P.S. SUKCHAR
DIST. SOUTH SALMARA- MANKACHAR
ASSAM
PIN-783135

3: SWEET AHMED
S/O NOZRUL ISLAM
R/O VILL- SANTIPUR
P.S. SUKCHAR
DIST. SOUTH SALMARA- MANKACHAR
ASSAM
PIN-783135
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. L R MAZUMDER
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

27.03.2023

1. Heard Mr. A. Z. Ahmed, learned counsel appearing for the petitioners as well as Mr. P.S. Lahkar, learned Addl. P.P. appearing for the State respondent.
2. The petitioners, namely, Nurzzaman Sk, Sayoda Bibi, Sweet Ahmed have filed this application under Section 438 Cr.P.C with prayer for pre-arrest bail as they are apprehending arrest in connection with Sukchar P.S. Case No. 80/2023, corresponding, G.R. Case No. 267/2023, under Sections 306/34 IPC,
3. I have considered the submissions at the Bar and I have also perused the case diary. The FIR unfolds that on 03.02.2023, the minor daughter of the accused no. 1 entered into the informant's house and the informant informed the accused nos. 1, 2 and 3 and handed over the girl to them. On the same night at about 9.00 P.M., the petitioners in a pre-planned manner called the informant's husband to the house of Mahijul Hoque and Sahijul Hoque and exercised pressure on the informant's husband to affix his signature on documents regarding a loan of Rs. 4,00,000/-. Thereafter, the petitioner started pressurising the informant's husband and he was also threatened with dire consequences on 13.02.2023. The petitioner no. 2's daughter, on advice of the petitioners called the informant's son over phone and they all confined him and thereafter, handed over the informant's son to the police.
4. Pursuant to this incident, the informant's husband committed suicide.
5. It is submitted on behalf of petitioner no. 2 that she is responsible for the suicidal death of the informant's husband. It is also submitted that no overt act could be attributed to the petitioner no. 1. The petitioner no. 1 is on interim bail and he has already appeared before the I/O and he has also co-operated with the investigation. It is also submitted that the petitioners have been roped in this case in an omnibus manner. No case of abetment to

commit suicide exists against the petitioner.

5. It is submitted by the learned Addl. P.P. that there are cogent materials in the case diary against the petitioner. Pursuant to this incident, the informant's husband committed suicide, which clearly implicates that the petitioners abetted the deceased to commit suicide.

6. I have given my anxious consideration to the submissions at the Bar. I have considered the statements of the witnesses recorded under Section 161 Cr.P.C. The FIR clearly implicates and attributes overt act to the petitioner nos. 2 and 3 and other co-accused named in the FIR.

7. I have considered the fact that this case is of heinous nature.

8. In view of my foregoing discussions, the prayer of anticipatory bail to the petitioner nos. 2 and 3 are rejected at this stage of investigation. The interim order dated 09.03.2023 granted against the petitioner no. 1 is made absolute. He has appeared before the I/O and has co-operated with the investigation.

Send back the case diary.

JUDGE

Comparing Assistant