

GAHC010049502023



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

Case No. : Bail Appln./863/2023

NOZRUL ISLAM
S/O. LT. SAHAZ UDDIN SK, VILL. SANTIPUR, P.S. SUKCHAR, DIST. SOUTH
SALMARA MANKACHAR, ASSAM, PIN- 783128

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, 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 petitioner as well as Mr. P.S. Lahkar, learned Addl. P.P. appearing for the State respondent.
2. This application under Section 439 Cr.P.C, is preferred by the petitioner, namely, Nozrul Islam, who is in judicial custody since 21.02.2023 in connection with Sukchar P.S. Case No.

80/2023, registered under Sections 306/34 IPC,

3. I have considered the submissions at the Bar and I have also perused the case diary.

4. The FIR unfolds that on 03.02.2023, the minor daughter of the petitioner entered into the informant's house and the informant then handed over the girl to the petitioner in presence of other people. On that very night, the petitioner along with his wife and his son Sweet Ahmed in a pre-planned manner with other co-accused called the informant's husband to the house of Sahijul Haque and Mahijul Hoque at about 1.00.A.M. The petitioner and other co-accused have forcefully taken the signature of the informant's husband on some papers relating to a loan taken by the informant's husband. Thereafter, the petitioner and the co-accused mentioned in the FIR continuously exercised pressure to repay the amount of Rs. 4,00,000/- purportedly borrowed by the informant's husband. On 13.02.2023, the petitioner's daughter on the advice of the petitioner and other co-accused person called the informant's son over phone and thereafter, the informant's son was confined and finally handed over to the police. After this incident the informant's husband committed suicide.

5. The learned Addl. P.P. has raised objections stating that there are cogent materials in the case diary against the petitioner.

6. The learned counsel for the petitioner has submitted that this is not a case of abetment to the deceased to commit suicide. I have considered the submissions at the Bar with circumspection. The statements of the witnesses recorded under Section 161 Cr.P.C incriminates the petitioner. I have considered the length of detention and the progress of investigation.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed.

8. The petitioner is to be enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of learned CJM, South Salmara, Mankachar,

under the conditions that:-

- (i) the petitioner will refrain from such activities with which he is alleged.
- (ii) the petitioner will not tamper with the evidence and the petitioner will not leave the jurisdiction of the Court without prior permission till the completion of investigation.

The bail application stands disposed of.

JUDGE

Comparing Assistant