

GAHC010054222023



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

Case No. : AB/927/2023

ADHAV ALI @ ADAB ALI AND ANR
S/O- MOKBUL ALI, VILL- SILAIRPAR PAT-I, P.O. SILAIRPAR, P.S. GAURIPUR,
DIST.- DHUBRI, ASSAM, PIN- 783331

2: SOFURA BIBI @ SOBIRA BIBI
W/O- ADHAV ALI @ ADAB ALI
VILL- SILAIRPAR PAT-I
P.O. SILAIRPAR
P.S. GAURIPUR
DIST.- DHUBRI
ASSAM
PIN- 78333

VERSUS

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

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 12.04.2023

Heard Mr. Z. Hussain, learned Counsel appears for the

petitioners. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

(2) This Anticipatory bail petition under Section 438 Cr. P.C. has been filed by the petitioners, namely, Adhav Ali @ Adab Ali and Sofura Bibi @ Sobira Bibi, apprehending arrest in connection with an FIR dated 05.01.2023, which is registered as Gauripur Police Station case No. 04/2023 (G.R Case No. 24/2023), registered under Sections 498(A)/302/34 of IPC.

(3) By an FIR dated 05.01.2023 lodged by the informant, one, Abdul Mannaf Ahmed, it was alleged that the petitioners along with their other family members including the son, who is alleged to be the husband of the deceased daughter of the informant, had killed the daughter and fled away keeping her body on the bed.

(4) The said FIR was received and registered as Gauripur Police Station case No. 04/2023 (G.R Case No. 24/2023), registered under Sections 498(A)/302/34 of IPC.

(5) During the investigation process the husband of the deceased, namely, Safiul Hoque, who is the son of the petitioners have been arrested.

(6) It is submitted that the petitioners are the parents of the husband, Saiful Hoque and the parents-in-law of the deceased. It is submitted that it is a case of suicide for which the petitioners are not responsible as the deceased and her husband namely, Saiful Hoque, who is the son of the

petitioners had resided in a rented house after their marriage and as such there is no question of causing of any fault play in respect of the death of their daughter-in-law.

(7) This Court is directed the Case Diary to be produced and accordingly, the Case Diary has been produced before this Court today.

(8) The learned counsels have been heard. Case Diary has been carefully perused.

(9) Upon due perusal of the Case Dairy, it is found that the matter is under investigation, however, no incriminating materials as such have been found in respect of the petitioners. Considering the progress of investigation, this Court is of the view that prayer for interim bail, in so far petitioners are concerned, had been granted at this stage. Accordingly, in the event of their arrest in connection with the aforesaid case, the petitioners shall be released furnishing a bail bond of Rs.25,000/- (Rupees twenty five thousand) only each with a local surety of like amount. The bail granted however, is subjected to the following conditions:-

1. That the petitioners shall appear before the Investigating Officer within 10(ten) days and co-operate in the investigation as and when required;
2. The petitioners shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Gauripur Police Station.

3. That the petitioners shall not hamper or tamper with the investigation in any manner; and

4. That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

(10) If any of the conditions are found to be violated then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioners.

(11) Anticipatory bail petition is accordingly allowed and disposed of.

(12) Return the Case Diary.

JUDGE

Comparing Assistant