

GAHC010068972023



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

Case No. : Bail Appln./1237/2023

SOHIDUL ISLAM
S/O OSMAT ALI
VILL- SEDAMARI
P.O. AND P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM
PIN-783382

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 28.04.2023

Heard Mr. A. Roshid, learned counsel appears for the petitioner. Also heard Ms. S. H. Borah, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner, Sohikul Islam seeking bail as he is arrested in connection with Jogighopa P.S. Case No. 79/2023 registered under Sections 363 of IPC added Section 306 of IPC.
3. The petitioner is arrested on 27.02.2023 and have been in custody since then.
4. An FIR dated 22.02.2023 was lodged by the informant, one, Rofikul Islam, stated that his sister one, Almina Khatun, aged about 16 years left her home and was missing. Although they had searched for her but she was not found. Subsequently, her body was recovered from the river Brahmaputra under the Jogighopa Bridge. It is suspected that she had committed suicide. During the investigation, the petitioner was arrested. It is suspected that the petitioner and the deceased were in a relationship and as their marriage did not take place it may have led to the deceased to commit suicide. It is submitted by the learned counsel for the petitioner that the petitioner is in no way connected with the offences alleged. He has co-operated with the Investigating officer during the investigation and statements have been recorded and considering the period of detention, there is no further requirement for the petitioner to be kept in the custody.
5. Ms. S. H. Borah, learned Addl. P.P has produced the case dairy before this Court. It is submitted that the FSL Report is not received although the Post Mortem Report is available.

6. Case Diary produced has been carefully perused.
7. The matter has been investigated by the police but the charge-sheet has not been filed. Petitioner has been in custody for about 59 days.
8. There are no materials to suggest that release of the petitioners at this stage will cause impediment to the investigations carried on by the police. Considering the extent of investigation undertaken by the police, this Court is of the view that although charge-sheet has not been filed, further custodial detention of the petitioner in connection with the investigation of the aforementioned case is not necessary.
9. Accordingly, this Bail petition is allowed. The petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with 1 local surety of like amount subject to the satisfaction of the S.D.J.M, Abhayapuri. The bail, granted however, is subjected to the following conditions:-
 - i) The petitioner shall continue to appear before the Investigating Officer once a month and cooperate with the Investigating Officer as and when required, till completion of investigation.
 - ii) The petitioner shall not change his residence or place of business, without prior written permission from the Court of S.D.J.M, Abhayapuri.
 - iii) That the petitioner shall not hamper or

tamper with the investigation in any manner; and

iv) That the petitioner 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 by the petitioner then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the accused.

11. With the above direction, the bail petition is accordingly allowed and disposed of.

12. Return the case dairy.

JUDGE

Comparing Assistant