

GAHC010073332023



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

**Case No. : Bail Appln./1252/2023**

MOIDUL ISLAM @ MOIDUL ALI

S/O MOHIBUL HUSSAINR/O VILL- DAMPUR, 2 NO. SARU DAMPUR

P.O. DAMPUR, PIN-781102

P.S. HAJO

DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MS. S G BARUAH**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**Date : 21-04-2023**

1. Heard Mrs. SG Baruah, learned counsel for the petitioner. Also heard

Mr. BB Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. This bail application is filed by the petitioner, namely, **Moidul Islam @ Moidul Ali**, who was arrested in connection with Dispur P.S. Case No. 2235/2022 under Sections 120(B)/302 of the IPC. The petitioner was arrested in connection with the said case, which was registered on the basis of an FIR dated 06.10.2022 lodged by the informant, one Smti Prabhabati Das.

3. The said FIR was lodged due to death of the daughter of the informant Tulika Das, whose body was recovered from the rented premises where the deceased was staying on rent. The deceased was a Nurse at a local hospital. In the FIR, the allegation made against the petitioner is that there was some relationship between the petitioner, who was named as accused No. 2 in the FIR and the deceased. Accused No. 1 in the FIR was the room mate of the deceased person.

4. Pursuant to the arrest of the petitioner, the petitioner has been in custody since his date of arrest.

5. This Court had called for the case diary along with Post-Mortem report. The learned Additional Public Prosecutor has produced the case diary along with the Post Mortem report as well as the FSL report before this Court.

6. Perusal of the Post Mortem report read with the FSL report does not reveal that the death of the deceased was due to homicidal reason. No evidence of any poison, etc was found in the FSL report. The statement of the accused/petitioner has also been noted from the case diary. The matter is under investigation and charge-sheet has not yet been filed. No materials are seen in the case diary, which suggest that further custodial detention of the petitioner is

necessary for continuing with the investigation of the case.

7. Considering the stage of investigation and the materials available in the case diary, it appears that release of the petitioner, at this stage will not cause any impediment to the investigation carried on. Considering all the above, including the period of detention undergone, the petitioner is allowed to go on bail on furnishing a bail bond of Rs. 20,000/- with 2 (two) local sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro).

8. The petitioner will continue to abide by the further conditions mentioned below:-

i) The petitioner shall continue to appear before the police 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 Chief Judicial Magistrate, Kamrup (Metro).

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.

9. 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.

10. The bail petition is accordingly disposed of. Return the case diary.

**JUDGE**

**Comparing Assistant**