

GAHC010085032023



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

Case No. : Bail Appln./1420/2023

AKBAR ALI AND 2 ORS
S/OLT. TAHER ALI
R/O NO. 4 DAKSHIN MAKRA,
P.S. BIJNI,
DIST. CHIRANG, ASSAM

2: AMIR ALI
S/O AKBAR ALI
R/O NO. 4 DAKSHIN MAKRA

P.S. BIJNI

DIST. CHIRANG
ASSAM

3: KULCHANA KHATUN
W/O AKBAR ALI
R/O NO. 4 DAKSHIN MAKRA

P.S. BIJNI

DIST. CHIRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

15/05/2023

Heard Mr. D Sarmah, learned counsel for the petitioners and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioners, namely, **(1) Akbar Ali, (2) Amir Ali and (3) Kulchana Khatun**, seeking bail in connection with **Manikpur P.S. Case No. 59/2023** registered under Section 306 IPC, corresponding to G.R. Case No. 236/2023, wherein they were arrested on 04.04.2023 and since then they are in custody.

Perused the FIR as well as the relevant case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

Petitioners are FIR named accused. They are father, elder brother and sister-in-law of the boy, Jamir Ali, mentioned in the said FIR.

It is alleged in the FIR dated 03.04.2023 that the victim had an affair with the said boy, Jamir Ali, son of the petitioner No. 1 and on 01.04.2023 along with said Jamir Ali, she left for his house. But the family members of said Jamir Ali refused to give his marriage with the victim and physically and mentally tortured her. Later, on 02.04.2023 around 11:30/12:00 at night, the accused persons dropped the victim by car in her house. For the said reason, the victim on 03.04.2023 committed suicide by consuming poison.

Case diary reveals that though one of the brothers went to the house of the accused person on 02.04.2023 but the victim refused to return to her home with him.

It is also seen that the said boy, Jamir Ali with whom the victim had an affair is about 19 years old and as per the case diary for that reason his family members including the accused persons declined to give his marriage with the victim till he attains the age of 21 years.

The inquest report of the victim available with the case diary reveals that there is no visible physical injury on the person of the deceased and that the postmortem report of the victim is yet to be collected.

Considering the above and the period of detention of the petitioners in custody since 04.04.2023, the Court is of the view that further custodial detention of the petitioners are not warranted to investigate the said Manikpur P.S. Case No. 59/2023. As such, this bail application of the petitioners in said Manikpur P.S. Case is accepted.

Accordingly, the petitioners, namely, **(1) Akbar Ali, (2) Amir Ali and (3) Kulchana Khatun**, be released on bail in said Manikpur P.S. Case No. 59/2023, corresponding to G.R. Case No. 236/2023 on furnishing a bail bond of Rs.35,000/- each, with 2 (two) local sureties each, of the like amount, to the satisfaction of the learned Chief Judicial Magistrate or Additional Chief Judicial Magistrate, Bongaigaon, as the case may be, on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said Manikpur P.S. Case No. 59/2023 as and when they are required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of the Manikpur Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case and **(iv)** they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to them in the aforesaid Manikpur P.S. Case No. 59/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant