

GAHC010091882023



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

Case No. : AB/1574/2023

ABUL KALAM PARAMANIK AND 2 ORS
S/O LATE SHAHEB ALI PARAMANIK
R/O VILL- CHOTO NICHINPUR, P.O. MEDORTARI, P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM
PIN-783330

2: SAIFUL ISLAM PARAMANIK
S/O ABUL KALAM PARAMANIK
R/O VILL- CHOTO NICHINPUR
P.O. MEDORTARI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-783330

3: EKRAMUL PARAMANIK
S/O ABUL KALAM PARAMANIK
R/O VILL- CHOTO NICHINPUR
P.O. MEDORTARI
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN-78333

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A F N U MOLLAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

02.06.2023

Heard Mr. AFNU Mollah, learned counsel for the petitioners and Mr. R.R. Kaushik, learned Addl. PP for the State.

2. This anticipatory bail application has been filed by the petitioners namely, **1. Abul Kalam Paramanik, 2. Saiful Islam Paramanik and 3. Ekramul Paramanik**, apprehending arrest in connection with Fakirganj P.S. Case No. 11/2023 under Section 306 of the IPC.(Corresponding to G.R. Case No. 69/2023)

3. By an FIR dated 14.01.2023 lodged by the informant namely one Jel Hoque, it was alleged that the informant's daughter fell in love with the accused person, named in the FIR, namely Juyel Poramanik. However, on 07.01.2023, the daughter of the informant came to learn there was a marriage contract executed between the said accused person with a different girl. His daughter refused to take food or study in school and disclosed to her mother that she had a love affair with the accused person. On 10.01.2023, they found that their daughter hung from the roof with her scarf. It is alleged that the informant's daughter was committed suicide by hanging when the accused person

contracted marriage with different girl after deceiving his daughter despite having love affair with her. Pursuant to the said FIR, the petitioners apprehending arrest has approached this Court praying for bail. The petitioner No. 1 is the father of the accused and petitioners No. 2 & 3 are brothers of the accused, named in the FIR. It is submitted that the allegations in the FIR are in respect of the accused person, named in the FIR. There are no allegations against the present petitioners. It is submitted that pursuant to the interim bail granted, the petitioners had co-operated with the I.O in respect of the investigations carried out.

4. This Court vide earlier order dated 08.05.2023 had granted interim bail to the petitioners while calling for the case diary along with post mortem report.

5. The case diary produced has been carefully perused.

6. The post mortem report available shows that the death *due to asphyxia as a result of hanging sustained by the deceased*. It is seen that the investigation has been carried on and no materials which incriminate the petitioners as this stage of investigations. The allegations are against the accused person named in the FIR. The accused person named in the FIR has also in the meantime been granted bail by this Court. It is seen from the note in the case diary that in terms of the order dated 08.05.2023, the petitioners had appeared before the

I.O but their statements have not been recorded by the I.O.

7. Considering all of the above and upon perusal of the case diary, this Court is of the view that the interim bail granted to the petitioners can be made absolute.

8. The interim bail granted by the order dated 08.05.2023 is hereby made absolute on the same terms and conditions.

9. The Anticipatory Bail application stands disposed of.

10. Return the case diary.

JUDGE

Comparing Assistant