

GAHC010096962023



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

Case No. : AB/1635/2023

SAHIDUL ALI AND 2 ORS
S/O NOBIR ALI
R/O VILL- DEUCHUNGA,
P.S. GORESWAR
DIST. BAKSA BTR, ASSAM

2: SAHERA BEGUM
W/O NOBIR ALI
R/O VILL- DEUCHUNGA

P.S. GORESWAR
DIST. BAKSA BTR
ASSAM

3: NOBIR ALI
S/O LATE MOKSHED ALI
R/O VILL- DEUCHUNGA

P.S. GORESWAR
DIST. BAKSA BTR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S HOQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 20.07.2023

Heard Mr. S. Hoque, learned counsel for the petitioners. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 filed by the petitioners, namely, *1. Sahidul Ali, 2. Sahera Begum and 3. Nobir Ali*, who are apprehending their arrest in connection with Goreswar P.S. Case No. 78/2023 under Section 304(B)/34 of the Indian Penal Code.

The accusation in this case is that on 09.03.2023 one Saidul Islam lodged an FIR before the Officer-in-Charge of Goreswar Police Station, *inter alia*, alleging that his daughter who was married to the petitioner No. 1 was subjected to torture by the present petitioners and on 03.03.2023 she was given poison by the present petitioners and on 06.03.2023, the daughter of the first informant expired. On receipt of the said FIR, Goreswar Police Station Case No. 78/2023 under Section 302/34 of IPC. However, later on it was converted into 304(B)/34 of IPC.

Learned counsel for the petitioners submits that today is the sixth day this case is fixed for case diary. However, case diary has not arrived and no cause has been shown by the Investigating Officer for not sending the case diary. The learned counsel for the petitioner submits that, in the meanwhile, the petitioner No. 1, namely, *Sahidul Ali* has surrendered and he was arrested in connection with Goreswar P.S. Case No. 78/2023 and hence the learned counsel for the petitioner is not pressing for the anticipatory bail of the petitioner No. 1. However, as regards the petitioner No. 2 who is the mother-in-law of the deceased, petitioner No. 3, who is the father-in-law of the deceased, it is

submitted that they are innocent and were falsely implicated in the FIR by the first informant. It is also submitted that they are ready to cooperate with the Investigating Officer.

I have heard the learned Additional Public Prosecutor. Considering the fact that the husband of the deceased had already surrendered and the petitioners No. 2 and 3 are only mother-in-law and father-in-law of the deceased, who are ready to cooperate with the Investigating Officer, their custodial detention may not be necessary for fair completion of the investigation of Goreswar P.S. Case No. 78/2023.

In view of the above, the petitioner No. 2, namely, *Sahera Begum* and petitioner No. 3, namely, *Nobir Ali* are directed to appear before the Investigating Officer of Goreswar Police Station Case No. 78/2023 within a period of ten day from the date of this order. If they do so within the stipulated period of time, in the event of their arrest, in connection Goreswar Police Station Case No. 78/2023, they shall be allowed to be released on bail of Rs.20,000/- (Rupees Twenty Thousand) only each with one surety of like amount to the satisfaction of the Arresting Authority with the condition that both the petitioners shall cooperate with the Investigating Officer in fair completion of the investigation of Goreswar P.S. Case No. 78/2023.

With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant