

GAHC010115672023



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

Case No. : AB/1895/2023

HASINA BEGUM @ BEJJU
W/O- BAHADUR ALI, R/O- VILL- N. C BANDIA, P.S. MANGALDAI, DIST.-
DARRANG, ASSAM, PIN- 784125

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 15.06.2023

Heard Mr. M. K. Hussain, learned counsel appearing for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor appearing for the State of Assam.

2. This Anticipatory bail petition has been filed by the petitioner, namely, Hasina Begum @ Bejju, apprehending

arrest in connection with Mangaldai Police Station Case No. 474/2022, registered under Sections 147/148/149/448/326/302 of IPC.

3. The learned counsel appearing for the petitioner submits that by an FIR dated 04.11.2022 lodged by the informant, one Jamiruddin Ali, it was alleged that the accused persons named in the FIR had illegally entered into the house of his maternal uncle and started quarreling over land disputes. Thereafter, they caught hold of the younger brother of his maternal uncle and attacked both the maternal uncle and the younger brother causing grievous injuries on the various parts of his body. Thereafter, some other persons who also attempted to prevent the accused persons from attacking but they were also attacked them. Thereafter local people came forward and intervened and brought the injured persons to Mangaldai Civil Hospital. The injuries of the maternal uncle and his brother were serious in nature and they were referred to Guwahati for better treatment. But the brother of the maternal uncle of the informant died on the way and other injured persons are undergoing treatment in the Mangaldai Civil Hospital.

4. It is submitted by the learned counsel for the petitioner that the present petitioner is the wife of the accused persons named as serial No.9 in the FIR. It is submitted that there were no allegation against the petitioner. It is submitted that the petitioner apprehends arrest as she may be arrested in connection with the aforementioned case. As such this present

anticipatory bail petition has been filed.

5. This Court by earlier order dated 31.05.2023 had called for the case diary along with post-mortem report and FSL report. The case dairy is produced by Mr. R. J. Baruah, learned Addl. P.P., which has been carefully perused.

6. Upon perusal of the case dairy, it is seen that there are statements of various witnesses are recorded by the Investigating Officer. The post mortem report is also available in the case diary.

7. Perusal of the case dairy reveals that there are references of the petitioner in the statements given by the various witnesses. However, upon due perusal it is seen that these references do not implicate the petitioner in respect of the act of killing the deceased person or the injuring the relatives of the informant.

8. Upon due perusal of the case diary, no incriminating materials are found in the case diary which suggests that the grant of anticipatory bail of the petitioner at this stage of investigation will hamper the investigation carried on by the Investigating Officer. Investigation has progressed but charge-sheet has not yet been filed.

9. Accordingly, this Court is of the view that the prayer for anticipatory bail by the petitioner can be granted. Accordingly, in the event of arrest of the petitioner in connection with Mangaldai Police Station Case No. 474/2022, registered under

Sections 147/148/149/448/326/302 of IPC, the petitioner is released on a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one (1) local surety of like amount to the satisfaction of the Arresting Authority. The bail granted however, is subjected to the following conditions:-

1. That the petitioner shall appear before the Investigating Officer within 10(ten) days and co-operate in the investigation as and when required;
2. The petitioner shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Mangaldai Police Station.
3. That the petitioner shall not hamper or tamper with the investigation in any manner; and
4. 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 petitioner.

11. Anticipatory bail petition is accordingly disposed of.

12. Return the Case Diary.

JUDGE

Comparing Assistant