

GAHC010118982023



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

Case No. : AB/1945/2023

MD. ISLAM ALI AND ANR
S/O LATE FARMAN ALI
R/O 2 NO. MAKELI
P.O. MALELI
P.S. BOKO
DIST. KAMRUP, ASSAM

2: MRS. EALIJA BIBI
W/O MD. ISLAM ALI
R/O 2 NO MAKELI
P.O. MAKELI
P.S. BOKO
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 10.08.2023

Heard Mr. N. Uddin, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State.

This anticipatory bail application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the present petitioners, namely, (1) Md. Islam Ali, and (2) Mrs. Ealiya Bibi, praying for grant of pre-arrest bail to the petitioners, who are apprehending their arrest in connection with Boko P. S. Case No. 188/2023 under Sections 120(B), 302 of the IPC.

The accusation in this case is that on 02.05.2023, one Md. Ajmal Haque had lodged an FIR before the Officer In-Charge of Boko Police Station, *inter-alia*, alleging that his daughter Aimi Sultan was married to the accused No. 1, namely, Magbul Haque @ Ali, who is the son of the present petitioners and it is alleged in the FIR that the accused persons demanded dowry and on 01.05.2023 accused person killed the daughter of the first informant by pressing her neck in her own house.

Accordingly, the case is registered under Section 302 of Code of Criminal Procedure, 1973.

Learned counsel for the petitioners submits that the present petitioners are the parents of the main accused, namely, Magbul Haque @ Ali and they used to stay separately from the main accused.

It is also submitted that this is a case of the suicide due to matrimonial dispute between the husband and wife and the present petitioners who are the in-laws of the deceased are nowhere involved in the allegations leveled in the FIR.

On the other hand, learned Additional Public Prosecutor submits that on perusal of the case diary it appears that the FSL report as well as PM report has been collected by the Investigating Officer and he has also recorded the statement of the relevant witness.

Considering the submissions made by the learned counsel for the parties as well as progress made in investigation, this Court is of the considered opinion that the custodial detention of the present petitioners who are the parents of the main accused may not be necessary for fair completion of the investigation of Boko P. S. Case No. 188/2023, if they co-operate with the Investigating Officer.

In view of the above, the present petitioners, namely, (1) Md. Islam Ali, and (2) Mrs. Ealija Bibi are directed to appear before the Investigating Officer of Boko P. S. Case No. 188/2023, within a period of ten (10) days from the date of this order, and if they do so within the stipulated period of time, in the event of their arrest in connection with Boko P. S. Case No. 188/2023, they shall be allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), each with one surety of like amount to the satisfaction of the arresting authority, subject to the condition that they shall co-operate with the investigation of the said case.

With the above, observations, this anticipatory bail application is disposed of.

Sent back the case diary.

JUDGE

Comparing Assistant