

GAHC010136462023



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

Case No. : Bail Appln./2213/2023

AFSANA BEGUM @ BHANTI MAHI
W/O LATE KASEM ALI
R/O U.N.B. ROAD
SILPUKHURI, NEAR RAILWAY GATE, P.S. CHANDMARI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

07.08.2023

Heard Mr. S. Munir, learned counsel for the accused-petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by

the accused-petitioner, namely, **Afsana Begum @ Bhanti Mahi**, in connection with **Geetanagar P.S. Case No. 124/2023**, registered under Sections **120(B)/302 IPC**.

It has been submitted by the learned counsel for the petitioner that the petitioner is the mother of a child of 4 years. The child is along with the petitioner in the jail and is suffering from some seasonal viral fever and it is not possible to get proper treatment in the jail custody.

It is further submitted that there is no allegation against the petitioner in the FIR that she is involved in the present case. Only in the Forwarding Report it has been stated that the plastic vials of intoxicating substance is recovered from the possession of the petitioner. The other co-accused also stated that she has supplied intoxicating articles as per Forwarding Report. The learned counsel also stated that the petitioner has been detained in custody since 14.06.2023. Considering the background of the case as well as period of detention, petitioner may be enlarged on bail.

On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor has raised objection in granting bail to the petitioner by stating that as the Post Mort Examination Report and FSL Report are not received, bail prayer of the petitioner may not be considered at this stage.

Case diary is received and perused the same.

I have considered the submissions made by the learned counsel for the parties. As per the Case Diary it reveals that two vials containing small quantity of suspected heroin has been recovered from the possession of the present petitioner.

The learned Additional Public Prosecutor submits that from the Case Diary it reveals that substantial part of investigation has been completed. Only the case is pending for submission of Post Mortem Examination Report.

In view of the above, the accused-petitioner, named above, shall be released on bail in connection with **Geetanagar P.S. Case No. 124/2023**, registered under Sections **120(B)/302 IPC** on furnishing bail bond of **Rs.50,000/-** with two suitable sureties of the like amount, to the satisfaction of learned CJM, Kamrup(M).

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M) without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 him from disclosing such facts to the Court or to any police officer.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after her release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

In case of violation of any of the above conditions by the petitioner, the learned Additional Public Prosecutor is at liberty to move before this Court for cancellation of bail.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant