

GAHC010209792023



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

**Case No. : Bail Appln./3307/2023**

MD. MRIDUL AHMED  
S/O MD NURUL HOQUE. VILL- BORDOLGURI, PS SIPAJAR DIST DARRANG,  
ASSAM  
PRESENT ADDRESS - HOUSE NO 18, C/O -BIDYUT HAZARIKA, BALIJAN  
PATH, DAKHINGAON, PS- HATIGAON, KAMRUP (M), GUWAHATI 781038.

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. A K TALUKDAR**

**Advocate for the Respondent : PP, ASSAM**

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

**ORDER**

**Date : 08.11.2023**

Heard Mr. A. K. Talukdar, learned counsel for the petitioner. Also heard Mr. D., learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of the Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Md. Mridul

Ahmed, who has been arrested on 30.12.2020 (since last 1043 days) in connection with Sessions Case No. 164/2022 registered under Section 302 of IPC pending for trial in the Court of learned Additional Sessions Judge No. 2, Kamrup (M), Guwahati arising out of Hatigaon P.S. Case No. 798/2020 under Sections 326/307 and added Section 302 of IPC.

Learned counsel for the petitioner submits that the allegation against the present petitioner is that he has killed his wife.

It is submitted that on the basis with the said allegation, an FIR was lodged before Officer-in-Charge of Hatigaon Police Station on 31.12.2020.

It is also submitted that after the incident the petitioner surrendered before the Basistha Police Station on 30.12.2020 after lodging of the FIR and Hatigaon P.S. Case No. 798/2020 was registered under Sections 326/307 of the Indian Penal Code and later on after completion of the investigation, charge-sheet was laid vide charge-sheet no.52/2021 dated 31.03.2021 against the present petitioner under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner has been detained behind the bar for almost more than 2 years 10 months.

Learned counsel for the petitioner has submitted that though the permanent residence of the present petitioner, is in Village Bordolguri under the Sipajar Police Station in the District of Darrang but before the incident he was residing at Dakhingaon under Hatigaon Police Station and learned counsel for the petitioner has submitted that the petitioner is ready to face the trial and shall co-operate in his track.

I have also heard the learned Additional Public Prosecutor for the State respondent, who has pointed out from the scanned copy of the case record which is available before the Court that though the charge was framed against

the present petitioner on 19.01.2023 but till date no witness has been examined.

Considering the aforementioned facts as well as considering the prolonged incarceration of the present petitioner as well as his conduct that he himself surrendered before the police after the incident, this Court is of considered opinion that if he co-operates in his trial his continued detention may not be necessary for fair completion of his trial.

In view of the above, the accused, namely, Md. Mridul Ahmed is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Additional Sessions Judge No. 2, Kamrup (Metro), Guwahati who may add or invoke any other additional bail condition before accepting the bail bond.

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

**JUDGE**

**Comparing Assistant**