

GAHC010256512023



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

Case No. : Bail Appln./4162/2023

KERAMAT ALI
S/O- LOKMAN ALI, R/O- NUMBERPARA, PT-I, P.S. ABHAYAPURI, DISTRICT-
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 15.12.2023

Heard Mr. H.R.A. Choudhury, learned senior counsel, assisted by Ms. R. Deka, learned counsel for the petitioner and Mr. R.J. Baruah, learned APP for the State.

The petitioner, who was arrested on 18.10.2023, is seeking regular bail

under section 439 Cr.P.C. in connection with Abhayapuri P.S. Case No. 478/2023 under sections 120(B)/304(B) IPC.

The learned APP has opposed the prayer for bail on the ground that the petitioner is accused of torturing the deceased wife by demanding the money and articles as dowry and thereafter, burned the deceased by pouring kerosene on body, which occurred on 10.11.2023 and the victim succumbed to her injury on 16.10.2023 and accordingly, the father of the deceased, being the complainant lodged the FIR on 17.10.2023.

On a perusal of the case diary, it appears that the condition of the victim from 11.10.2023 to 16.10.2023 has not been recorded in the case diary. Accordingly, there is nothing available that the victim in those days was not in a position to speak and make any statement against the petitioner.

In view of above, considering that the petitioner is in custody since 18.10.2023, also taking into consideration the projection of the learned senior counsel for the petitioner, who was referred to Annexure-3 to this application, which is a certificate of completion of post mortem examination dated 17.10.2023 project that in course of post mortem examination, it was the petitioner who was accompanied the dead body and to the effect that he had relied on the signature of the petitioner contained in the said completion certificate, the Court is of the considered opinion that the conduct of the petitioner to be present during the post mortem examination would be a circumstance which demonstrate the he would not a flight risk if released on bail.

Accordingly, the Court is inclined to grant bail to the petitioner, namely, Keramati Ali in connection with the aforesaid case on furnishing bail bond of

Rs.1,00,000/- with two suitable surety of like amount to the satisfaction of the learned SDJM (M), North Salmara, Abhayapuri. Out of two bailors, one bailor should offer his/her immovable property as security for grant of bail

The bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear once a month till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

This application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant