

GAHC010000212024



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

Case No. : Bail Appln./21/2024

HABIJA @ HAFIJA BEGUM
W/O- KUTUBUDDIN LASKAR, RESIDENT OF H.NO-60, PRABHAT BORO
PATH, DHIRENPARA, P.S. FATASIL AMBARI, GUWAHATI, DISTRICT-
KAMRUP, (ASSAM)

VERSUS

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

Advocate for the Petitioner : MS F BEGUM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 13.02.2024

Heard Mr. S. Paul, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure for granting bail to the accused/petitioner, who has been arrested on 31.12.2024 in connection with Fatasil Ambari P.S. Case No. 335/2023, under Sections 302/397/34 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Paul, learned counsel for the petitioner, that the accused/petitioner is a 47 year old lady and she has not committed any such offence as alleged in the F.I.R. It is a fact that there was a quarrel between the deceased and the present accused along with her son for a tempo, but she did not assault the victim/deceased as described in the F.I.R. However, she is ready and willing to co-operate with the I.O. in the further investigation of the case if she is enlarged on bail. Further it is submitted that accused/petitioner is behind the bar for last 47 days and considering her length of detention, she may be released on bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials collected by the I.O.

against the present accused/petitioner. Further he submitted that for the small incident, the present accused/petitioner, along with other co-accused, assaulted the deceased and for which, he succumbed to his injuries. Accordingly, he raised objection in allowing the accused/petitioner to go on bail.

After considering the submissions made by the learned counsels for both sides and also on perusing the Case Diary and the statement made by the witnesses against the present accused/petitioner, it is seen that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping them in the custody and accordingly, without going into the other aspects of the case, considering the length of detention already undergone by the accused/petitioner, I find that further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused/petitioner, Habija @ Hafija Begum, be enlarged on bail, subject to the following conditions:

- (i) that 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 the Court or to any police officer; and

- (ii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup(M), without prior permission.

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

JUDGE

Comparing Assistant