

GAHC010002852024



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

Case No. : Bail Appln./64/2024

SALMA JAHAN AHMED
W/O- JEHERUL ALI, R/O VILLAGE KAMALABARI, P.S. SARTHEBARI,
DISTRICT BARPETA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A GOYAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 22.02.2024

Heard Mr. A. Goyal, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely, Salma Jahan Ahmed, praying for regular bail, who was arrested on 02.03.2023 in connection with Sarthebari P.S. Case No. 47/2023, registered under Section 302 IPC (Corresponding to Sessions Case No. 98/2023).

Scanned copy of the LCR alongwith the case diary as called for, is received and perused.

Heard both sides.

It is submitted by the learned counsel for the petitioner that the accused/ petitioner is behind the bar since 02.03.2023 and considering the length of detention undergone by the petitioner, his bail prayer may be considered. He further submits that the co-accused have already been released on bail. Considering the principle of parity, the prayer of bail may be considered. The petitioner is a local resident and there is no chance of absconding or jumping over the bail. The petitioner is ready and willing to appear before the learned trial Court in each and every date. Several witnesses have already been examined except the official witness.

In this Context, the learned Additional Public Prosecutor has submitted that there are incriminating materials against petitioner and the I.O. has collected sufficient materials against the petitioner. The post-mortem report reflects that it is not a case of normal death and the death is not caused due to high pressure and it is a clear case of murder. However, considering the length of detention undergone by the petitioner, prayer for bail may be considered.

After hearing the submissions of the learned counsel for the parties and considering the materials available in the case diary as well as considering the period of detention already undergone by the accused/petitioner, prayer for bail is allowed. It is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta.

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

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Barpeta, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case; and
- (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.

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

JUDGE

Comparing Assistant