

GAHC010004742024



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

Case No. : Bail Appln./94/2024

ASHADUL HOQUE
S/O LATE SULTAN ALI
R/O VILL- KHOLABANDHA
P.S. KACHUMARA
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19-01-2024

Heard Mr. B Chowdhury learned counsel for the petitioner.
Also heard Mr. P Borthakur learned Addl. PP, Assam.

This is an application under section 439 Cr.P.C filed by
Ashadul Hoque who was arrested on 03.11.2023 in connection with

Kachumura PS Case No.47/2023 (corresponding to GR Case No.1611/2023) under section 302/34 IPC.

The informant Shah Alom has lodged an FIR before the police that on 01.11.2023 his younger sister Saniara Khatun aged about 30 years was given in marriage to Ashadul Hoque about 10 years prior to filing of the FIR.

It is further alleged that after 5 years of marriage, some persons namely Rup Banu Nessa, Jahidul Islam, Mofida Khatun, Mohammad Ali, Abutaher, Shah Ali, Sonaullah, Rabial Ali and Shrufa Khatun had ill advised Ashadul Hoque and for that matter Ashadul Hoque had demanded dowry from Saniara Khatun.

The informant has stated that his family already gave cash amount, a motor fitted boat and a cow along with some ornaments to Saniara Khatun. It may be stated that Saniara Khatun had already become a mother of three children. The informant has stated that on 30.10.2023 the aforementioned person along with Ashadul Hoque had subjected Saniara Khatun to torture and after killing her then hanged her dead body inside the house.

The post mortem report shows that the death of the deceased was due to anti mortem hanging. The post mortem report further shows that there are no injuries on the body of the deceased.

On perusal of the case diary, it appears that the petitioner often used to harass his wife for want of money. The case diary further reveals that the petitioner was a gambler and for that matter he demanded money from his wife.

The case diary is devoid of sufficient incriminating materials

to implicate the present petitioner with the case of the so called murder of Saniara Khatun. Therefore, he does not deserve to be detained in custody.

Accordingly it is hereby directed that the petitioner Ashadul Hoque shall be released on bail on furnishing a bail bond of Rs.25,000/- with a suitable surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta.

In terms of the above the bail application stands disposed of.
The case diary be returned.

JUDGE

Comparing Assistant