

GAHC010006172024



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

Case No. : Bail Appln./147/2024

ASHADUJ ZAMAN
S/O ABDUL QUDDUS AHMED
@ ABDUL KODDUS AHMED
R/O BARDIYA NARAYANPARA
P.S. BOKO
DIST. KAMRUP, ASSAM
M.NO. 9859046615 (M)

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05-02-2024

Heard Mr. A. Ali, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P., Assam for the State respondent.

This application under Section 439 of the Cr.P.C. has been filed for granting bail to the petitioner, namely, Ashaduj Zaman who was arrested on 19.12.2023 in Connection with Boko P.S. Case No.

628/2023 registered under Section 304-B of the IPC.

The C.D. has been received.

I have perused the same.

It is submitted by the learned counsel for the petitioner that the

Accused petitioner is innocent and the allegations lodged against him are false and concocted. It is further submitted that during her pregnancy the petitioner took the deceased to the doctor on several occasions and to substantiate his innocence he has annexed some medical documents. The petitioner had also taken his wife for Ultrasound Pregnancy test whereby the report confirmed that the deceased got twin live foetus in her womb. It was unfortunate that her earlier baby also died. However, during second time pregnancy there was complications as the deceased got twin live foetus in her womb and due to which she died. It is also stated that he never tortured physically and mentally and demanding dowry as alleged in the FIR. It is also stated that no FIR was lodged against the petitioner prior to death of his wife.

In this context Mr. Das, learned Addl. P.P. has submitted that the P.M. Report has not yet received. However, from the Inquest Report no injury was found except bleeding from her private parts.

Considering the submissions made by the learned counsel for both the sides and other aspect of the case, I find it proper to allow the accused to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of the like amount to the satisfaction of the learned JMFC, Boko, Kamrup the accused petitioner, named above, be enlarged on bail, subject to the following conditions :

1. that the accused petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
2. 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
3. that the petitioner shall make himself available for interrogation by the I.O. as and when required;

Return the Case diary.

The bail application is disposed of.

JUDGE

Comparing Assistant