

GAHC010010802024



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

Case No. : AB/158/2024

MONIRUDDIN
S/O LATE MAIJUL HOQUE
A RESIDENT OF RAJA PUKURI, P.S.HOJAI,
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR B CHANDA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 08.02.2024

Heard Mr. B. Chanda, learned counsel for the petitioner. Also heard Mr. P. Baishya, learned Addl. P.P., Assam for the State respondent.

This is an application under Section 438 of the Cr.P.C. for granting pre-arrest bail to the petitioners, namely, Monir Uddin in Connection with Hojai P.S. Case No. 525/2023 registered under Sections 302/34 of the IPC.

The C.D. has been received.

I have perused the same.

It is submitted by Mr. Chanda, the learned counsel for the petitioner that on 16.12.2023 in the evening at about 6 PM a social meeting was held in the house of the informant in connection with a family dispute of his family. In the meeting when argument took place the accused pushed the informant's father as a result of which he had fallen on the pacca floor of his house and died instantly. From the statement made in the FIR also it was an accidental death when the deceased fallen down over the ground. It is stated by the learned counsel for the petitioner that the petitioner is ready and willing to cooperate with the investigating officer for further investigation of the case, if he is granted the privilege pre-arrest bail.

In this context, Mr. P. Baishya, learned Addl. P.P. has submitted that from the statement of the witnesses also reveals that it was an accidental death.

Considering the submissions of the learned counsel for the parties and other aspects of the case, I find it fit to extend the benefit of pre-arrest bail to the petitioner.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, shall be enlarged on bail of Rs. 20,000/- (Rupees Twenty thousand) with one surety of the like amount to the satisfaction of the arresting authority subject to the following conditions :

1. The petitioner shall appear before the I.O. within 10 days from the date of the order.
2. The petitioner shall make himself available for interrogation by the investigating officer as and when required.
3. 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 any other police officer, and
4. The petitioner shall not hamper the investigation or temper with the evidence of the case.

With the above observations and direction, the bail application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant