

GAHC010020812024



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

Case No. : Bail Appln./288/2024

MONOWARUL HOQUE KHAN
R/O BARBALA, P.S. HOWLY, DIST BARPETA, ASSAM. PIN 781316

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13.02.2024

Heard Mr. SM Abdullah P, learned counsel appearing on behalf of the petitioner and Mr. D. Das, learned Addl. Public Prosecutor for appearing on behalf of the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely Monowarul Hoque Khan, praying for regular bail, who was arrested on 21.11.2023 for last 86 days in connection with Dispur P.S. Case No.2150/2023,

registered under Section 302 IPC.

Case diary is received and perused.

Heard both sides.

It is submitted by Mr. Abdullah, the learned counsel for the petitioner that the petitioner is innocent and he had love relationship with the daughter of the informant and there was good relationship between the petitioner and the informant's family. However, there is no involvement of the petitioner as alleged in the FIR and he had not committed the murder of the deceased. However, the petitioner is ready and willing to cooperate with the investigation as well as trial. Considering the length of detention, his prayer for bail may be considered.

In this Context, Mr. Das, the learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials against the accused/petitioner and the dead body was found in a suspicious condition. The post-mortem examination report reflects that the death was homicidal in nature. It is also fact that there is an illegal relationship of the petitioner with the victim. However, considering the length of detention, he may be enlarged on bail.

In view of the above, considering the submission of the learned counsel for the parties and also considering the length of detention without going into the merit of the case, I find it to be a fit case to enlarge the petitioner on bail. Accordingly 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, Kamrup (Metro), Guwahati.

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, Kamrup (M), Guwahati, 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.

Return the case diary.

JUDGE

Comparing Assistant