

GAHC010042382024



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

Case No. : Bail Appln./568/2024

RASHIDA KHATUN
AGED ABOUT 52 YEARS WIFE OF ABU BAKKAR SIDDIQUE RESIDENT OF
HATSINGIMARI POLICE STATION SOUTH SALMARA DIST SOUTH
SALMARA MANKACHAR

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MR. I U CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

11.03.2024

Heard Mr. HRA Choudhury, learned senior counsel assisted by Mr. I.U. Chowdhury, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P, Assam.

This is an application under Section 439 of the Cr.PC, 1973 for granting regular bail to the petitioner, i.e., Rashida Khatun, who is in custody since 10.02.2024 in connection with South Salmara P.S. Case No. 30/2024 registered under Sections 312/315 of IPC.

The case of the prosecution is that on 09.02.2024, an FIR was lodged inter alia alleging that an information was received from a reliable source that the petitioner, who is a Nurse in the District Civil Hospital, Hatsingimari, Assam is going to conduct an illegal abortion of a minor girl in the early hours of morning.

It is further alleged that accordingly, a team lead by the informant and other officials reached to the place as per the information and upon reaching, the minor girl whose abortion was to be conducted was not found. It is further alleged that the team recovered possession of tablets, hand gloves, surgical gloves, injections, calcium and vitamin D3 tablets etc from a room which was set up as a Clinic in her residence. Accordingly, a case was registered.

Mr. Mr. HRA Choudhury, learned senior counsel for the petitioner submits that the petitioner is innocent and is working as a Nurse in GKBHCL Block under South Salmara for last 37 years and that there was never any complaint against her of similar nature or otherwise prior to the said incident.

Mr. D. Das, learned Addl. P.P submits that the informant and his team after reaching the place of incident, did not find any minor girl as was reported to have been admitted therein for an illegal abortion. He further submits that the seizure list indicates the recovery of medicine, hand gloves etc. and some

few medical instruments.

I have heard the submissions made at the bar and have perused the materials available on record.

Considering the entire facts and circumstances of the case and the length of detention, this Court is of the considered view that further detention of the petitioner is not justified.

Accordingly, it is provided that the accused/petitioner named above shall be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned CJM, South Salmara, subject to the following conditions:-

- (i) That the petitioner shall co-operate with the investigation.
- (ii) 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 her from disclosing such facts to the Court or to any Police Officer; and
- (iii) That the petitioner shall refrain from committing any similar offences in future of which she is accused or suspected of commission.

With the above observation and direction, the Bail Application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant