

GAHC010051392024



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

Case No. : Bail Appln./764/2024

SAIFUL ISLAM
SON OF TAYEJ ALI, R/O VILL- BALLABARI, P.S. DHULA, DISTRICT
DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

22.03.2024

1. Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P. for the State respondent.

2. This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioner, namely, **Saiful Islam**, who was arrested on 19.01.2024 in connection with **Dhula P.S. Case No. 07/2024**, registered under Section 302 of **IPC**.
3. The case of the prosecution in brief is that on 19.01.2024 an FIR was lodged alleging inter-alia that the wife of the accused-petitioner was found hanging inside her room on 17.01.2024 and accordingly, it was suspected that the lady killed herself.
4. Mr. M. Ahmed, learned counsel for the petitioner submits that the petitioner is no way involved in the alleged offence and the petitioner was not in the village on that day of 17.01.2024.
5. Mr. K.K. Parsar, learned Addl. P.P. for the State respondents submits that the materials available on the record especially case diary indicates that the petitioner was at Guwahati during that time. He further submits that the post-mortem report reveals that the cause of death is due to asphyxia hanging.
6. I heard the submission made at the Bar and I have perused the materials available on record.
7. It appears that the investigation has substantially progressed. It appears that the statements of the witnesses and the petitioner have already been recorded under Section 161 Cr.P.C by the Investigating Officer. It further appears from the statement of the witnesses that the petitioner was not present during the time of the incident. It further appears that the post-mortem report is negative as regards the allegation under Section 302 IPC.
8. Considering the aforesaid facts and circumstances, this Court is of the opinion that further detention of the petitioner is not justified for the ongoing

investigation.

9. Accordingly, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case on furnishing bail bond of **Rs.30,000/- (Rupees Thirty Thousand) only** with one surety of like amount to the satisfaction of the learned **CJM, Darrang at Mangaldoi.**

10. The bail granted to the petitioner shall be subject to the following conditions-

- i) The petitioner shall co-operate with the investigation,
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

11. With the above observation, this bail application stands allowed.

12. This disposes of the bail application.

Send back the case diary.

JUDGE

Comparing Assistant