

GAHC010052092024



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

Case No. : Bail Appln./725/2024

MALEK BHUYAN

S/o- Zamal Bhuyan, R/o- Vill-Kawaimari Block No-11 P. S Sarthebari, Dist- Barpeta,
Assam

VERSUS

THE STATE OF ASSAM

REP BY THE PP, ASSAM

Advocate for the Petitioner : MUZAMIL AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 02.04.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor appearing for the State respondent.

This is an application under Section 439 Cr.P.C. praying for bail by the accused petitioners namely Malek Bhuyan in connection with Azara P.S. Case No.37/2024 under Section 306 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that false and concocted allegations have been brought against him though he is no way connection with the death of deceased. The deceased

was working as a labourer under him as the accused petitioner is a contractor by profession and he made payment regularly to the deceased. But after the death of the deceased, the informant along with some others demanded Rs.80,000/- from him. On refusal to give him the money, the present First Information Report(FIR) has been lodged against the accused petitioner.

He further submits that he has no illicit relationship with the wife of the deceased as alleged in the FIR.

Learned counsel for the petitioner submits that the petitioner is behind the bar since 05.03.2024 and hence further custodial detention may not be necessary for the interest of further investigation.

In this context, Mr. D. Das, learned Additional Public Prosecutor has submitted that from the post mortem report it is seen that there is ligature mark on the neck of the deceased.

But the cause of death could not be asserted as the chemical analysis has not been received by the I/O. Further he submits that the wife of the deceased denied about the illicit relationship with the accused petitioner and the accused also denied about the same while his statement was recorded under Section 161 Cr.P.C.

Considering the submissions made by the learned counsel for both sides and also considering the materials available in the case diary and other aspect of the case, I find further custodial detention may not be necessary for the interest of further investigation and hence I find it a fit case to grant bail to the accused petitioner.

Accordingly, the petitioner named above is allowed to go on bail of Rs.20,000/- with one surety of the like amount to the satisfaction of learned CJM, Kamrup(M) subject to the following conditions:

- i. 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
- ii. that the petitioner shall not leave the jurisdiction of the learned CJM Kamrup (M), without prior permission.

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

Return the case diary.

JUDGE

Comparing Assistant