

GAHC010052472024



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

Case No. : Bail Appln./753/2024

ROBINA KHATUN
D/O RABIUL HUSSAIN
W/O FAIJUL HOQUE
A PERMANENT R/O VILL- HATISOLAPAM
P.S. CHHAYGAON,
DIST. KAMRUP, ASSAM
PIN-781124 AND AT PRESENT RESIDING AT VILL- BARBHITA (JAHURPAM),
P.S. CHHAYGAON,
DIST. KAMRUP, ASSAM
PIN-781124

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.04.2024

Heard Mr. A.M. Khan learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned

Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, namely Robina Khatun who has been languishing in jail since in connection with Chhaygaon P.S. Case No.35/2024 registered under Section 302/34 IPC.

Case diary is received. Perused the same.

It is submitted by the learned counsel for the petitioner that there was quarrel between the family members for some personal dispute and there was a push and pull between the parties. However, the present victim/deceased died only after ten days due to his old age problem. Further it is submitted that as per instruction both the parties have already settled the matter. However, the present petitioner is ready to appear before the I/O as and when her cooperation will be needed. More so, she is behind the bar since 20.02.2024.

Learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials against the present accused petitioner showing her direct involvement in the offence. He however submits that considering the length of detention her bail may be considered at this stage.

Considering the submissions of learned counsels for both sides as well as considering the materials available in the case diary vis-a-vis the length of detention already undergone by the accused/petitioner, I find a fit case to grant bail to the accused/petitioner.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Amingaon), the accused/petitioner named above be enlarged on bail, subject to the following conditions:

- i.that the petitioner shall make herself available for interrogation by the Investigating Officer as and when required;
- 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 him from disclosing such facts to the Court or to any police officer; and
- iii.that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup, Amingaon without prior permission.

In terms of above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant