

GAHC010060102024



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

Case No. : Bail Appln./881/2024

SHIDA KHATUN @ SHAHIDA KHATUN @ CHAYEDA KHATUN
W/O SUBURDDIN
VILL- LARUAJAN CHAMUARA
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A T SARKAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 05.04.2024

Heard Mr. A. T. Sarkar 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/petitioners, who has been arrested in connection with Dharamtul P.S. Case No. 08/2024, under Section 395 of the Indian Penal Code.

It is submitted by Mr. A. T. Sarkar learned counsel for the petitioner, that the accused/petitioner is innocent and she is no way involved in the alleged offence and she has been arrested in connection with this case only on the fact that she is the wife of Suburddin, who is also an accused in connection with this case. She is behind the bar since 21.02.2024 and hence, considering her length of detention, she may be enlarged on bail. More so, he submitted that no theft goods were recovered from the house of the present accused/petitioner.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that from the materials available in the Case Diary, it is seen that none of the witnesses brought any direct allegation against the present accused/petitioner except the fact that sometimes she used to sell areca nuts from her house and apart from that, there is no other allegation against the

present accused/petitioner. Accordingly, the learned Additional Public Prosecutor raised no objection if the present accused/petitioner is allowed to go on bail.

After hearing the submissions made by the learned counsels for both sides and also considering the materials available in the Case Diary and further considering the length of detention already undergone by the accused/petitioner, I find that further custodial interrogation of the accused/petitioner is not necessary here in this case.

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, Morigaon, the accused/petitioner, namely, Musstt. Shida Khatun @ Shahida Khatun @ Chayed Khatun , be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make themselves 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, Morigaon, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant