

GAHC010065102024



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

Case No. : AB/830/2024

FIROZ ALI AND ANR
S/O MANCHER ALI, VILL- PRITIPUR-CHOUDHURYPARA, P.O.-
CHOUDHURYPARA, P.S.-BOKO, DIST-KAMRUP (R), ASSAM, PIN-781141

2: FULIMA BIBI
W/O FIROZ ALI
VILL- PRITIPUR-CHOUDHURYPARA
P.O.-CHOUDHURYPARA
P.S.-BOKO
DIST-KAMRUP (R)
ASSAM
PIN-78114

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K ROYCHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

24.07.2024

Heard Mr P K Roychoudhury, learned counsel for the petitioners, 1) Firoz Ali and 2) Fulima Bibi and Mr B B Gogoi, learned Additional Public Prosecutor for the State of

Assam.

2. The petitioners have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Boko PS Case No. 109/2024, registered under Sections 304(B)/34 of the Indian Penal Code, 1860.
3. I have considered the submissions at the Bar with circumspection.
4. Petitioners are on interim bail vide orders dated 01.04.2024 and 10.05.2024, passed by this Court in connection with the aforementioned case.
5. The FIR unfolds that the accused No. 1 named in the FIR is the husband of the deceased victim, Elija Begum. The victim was subjected to cruelty by the petitioners and their son, Imran Ali, to meet their illegal demand of dowry. On 05.03.2024, at about 06:00 pm, the petitioners committed murder of the victim Elija Begum.
6. It is submitted on behalf of the petitioners that the prime accused has already been enlarged on bail.
7. I have scrutinized the Case Diary and the PM Report.
8. No injuries were detected during the Post-Mortem examination except one oblique ligature mark around the neck
9. The petitioners were granted interim bail vide orders dated 01.04.2024 and 10.05.2024 and they have already appeared before the IO and they have cooperated with the investigation.

10. Investigation has also progressed to a considerable extent.
11. It appears that custodial interrogation may not be required. Hence, the petition is allowed.
12. Interim pre-arrest bail orders dated 01.04.2024 and 10.05.2024, are hereby made absolute.
13. Send back the Case Diary.

JUDGE

Comparing Assistant