

GAHC010069912024



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

Case No. : Bail Appln./989/2024

NURUL AMIN HOQUE AND 2 ORS.
S/O LATE POSA BEPARI
R/O NO. 4 KUMOLIA
P.S. BISWANATH CHARIALI
DIST. BISWANATH CHARIALI, ASSAM
PIN- 784176

2: AMINA KHATUN
W/O MD. NURUL AMIN HAQUE
R/O VILL- NO. 4 KUMOLIA
P.S. BISWANATH CHARIALI
DIST. BISWANATH
ASSAM
PIN CODE- 784176

3: MONUWARA KHATUN
D/O MD. NURUL AMIN HAQUE
R/O VILL- NO. 4 KUMOLIA
P.S. BISWANATH CHARIALI
DIST. BISWANATH
ASSAM
PIN CODE-78417

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. G PHUKAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 18-04-2024

Heard Mr. G. Phukan, learned counsel for the petitioners 1) Nurul Amin Hoque, 2) Amina Khatun and 3) Monuwara Khatun.

2. The petitioners have filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail in connection with PRC No. 346/2022 arising out of Biswanath Chariali Police Station Case No. 217/2021 corresponding to G.R. No. 474/2021 under Sections 120(B)/498(A)/494/302 of Indian Penal Code, 1860 read with Section 4 of Dowry Prevention Act.

3. Heard Mr. K. Baishya, learned Additional Public Prosecutor for the respondent State.

4. It is submitted that charge sheet was laid against the petitioners and a prayer was made by the Investigating Officer to discharge the present petitioners but the learned Chief Judicial Magistrate, Biswanath (CJM for short), on finding materials against the present petitioners, took cognizance against them and when the petitioners surrendered before the learned CJM, they were forwarded to custody.

5. It is submitted that there is no specific allegation against the present petitioners but the Court below erroneously did not consider the submission that there is no specific allegation against them and they are not guilty of the offence of murder and forwarded the petitioners to custody.

6. The learned Additional Public Prosecutor has submitted that there are incriminating materials against the petitioners in the statement of the complainant.

7. I have considered the submissions at the bar with circumspection.

8. I have considered the submission that the petitioners are willing to cooperate with the trial. The petitioners are local residents and they are not flight risk. I have also considered the age of the petitioner Nos. 1 and 2, who are 67 (Sixty Seven) years and 54 (Fifty Four) years, respectively. I have also perused the scanned copies of the Case Diary.

9. Considering all aspects, the petitioners are enlarged on bail of Rs.50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the learned CJM under the conditions that:

(i) The petitioners shall not exercise threats to the witnesses.

(ii) The petitioners shall cooperate with the trial.

10. On breach of any of the bail conditions, bail order shall stand cancelled.

Send back the Case Diary.

In the above terms, this Bail Application stands disposed of.

JUDGE

Comparing Assistant