

GAHC010070862024



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

Case No. : AB/927/2024

SARIFAN BIBI AND 2 ORS.
W/O LT. JABAN ALI, R/O VILL- LINGDOBA, P.O.-DHANTOLA BAZAR, P.S.-
BONGAIGAON, ASSAM, PIN-783372

2: SAHA ALI SHEIKH
S/O LT. HAZRAT ALI SHEIKH
R/O VILL- NANKARGAON
P.O.-DHANTOLA BAZAR
P.S.-BONGAIGAON
ASSAM
PIN-783372

3: SHAH ALAM SHEIKH
S/O LT. HAZRAT ALI SHEIKH
R/O VILL- LINGDOBA
P.O.-DHANTOLA BAZAR
P.S.-BONGAIGAON
ASSAM
PIN-78337

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MRS. B GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-05-2024

- 1.** Heard learned counsel Ms. B. Gogoi for the petitioners.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners, namely, [1] Sarifan Bibi [2] Saha Ali Sheikh and [3] Shah Alam Sheikh who are apprehending arrest in connection with Bongaigaon P.S. Case No. 109/2024, under Sections 302/34 of the Indian Penal Code corresponding to the G.R. Case No. 187/2024.
- 3.** Heard Ms. S. Jahan, learned Addl. PP, Assam.
- 4.** The allegation is basically against the accused No. 1 Sahabuddin Seikh. The victim committed suicide as she was subjected to cruelty by her husband who used to assault her to meet his illegal demand of dowry. It is also alleged through the FIR that at the behest of the other accused which also includes the present petitioners, the main accused Sahabuddin Seikh used to subject the victim to cruelty. The cruelty exercised upon the victim drove her to commit suicide.
- 5.** I have considered the submissions at the Bar with circumspection. Prime accused has already been arrested in connection with this case. I have also considered the submission that the petitioner No.1 is 63 years old, the petitioner No. 2 is also an elderly person who is 57 years old and the petitioner No. 3 is a middle aged person who is 43 years old. I have scrutinised the Case Diary. Investigation has also progressed to a considerable extent. The petitioners have submitted that they will co-operate with the investigation. The Medico Legal

Report depicts that death was result of suicide by hanging.

6. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 50,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that :—

- i. The petitioners shall appear before the IO within 7 (seven) days and co-operate with the investigation; and
- ii. the petitioners shall not leave the jurisdiction of the Court without prior permission till completion of investigation.

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

Send back the Case Diary.

JUDGE

Comparing Assistant