

GAHC010085332024



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

Case No. : Bail Appln./1237/2024

MATIUR RAHMAN
S/O LATE AJIJUR RAHMAN
R/O VILL- NA-HOWLY
P.S. MANGALDAI
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent :

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

31.05.2024

Heard Mr. M. Hoque, learned counsel for the petitioner Matiur Rahman.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) in connection with Mangaldai Police Station Case No. 64/2024 under Section 302 of the Indian Penal Code, 1860.

3. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State.
4. The allegation against the petitioner is that the victim who was working as a domestic help was found dead in his house.
5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary.
6. The learned Additional Public Prosecutor has submitted that the victim was found dead under suspicious circumstances in the house of the owner.
7. The postmortem report in the Case Diary reveals that the FSL report has not been received and the opinion of the doctor was withheld. As the FSL report has not been received, the reasons of death could not be ascertained whether death was a result of suicidal ante mortem hanging or whether the death is a result of homicide.
8. I have considered the progress of investigation. The petitioner is behind bars for 84 (Eighty Four) days. It appears that custodial detention for further progress of investigation may not be required. The petitioner has pledged to cooperate with investigation. The petitioner is a local resident and he is not a flight risk.
10. Considering the foregoing discussions, petition is allowed.
11. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldai under the conditions that:

The petitioner shall not leave the jurisdiction of the Court without prior

permission till completion of investigation.

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

13. Send back the Case diary.

JUDGE

Comparing Assistant