

GAHC010094562024



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

Case No. : Bail Appln./1331/2024

SABANA YASMIN @ ANJANA
W/O NAJIMUDDIN AHMED
R/O BARNI (KHALIFA CHUPA)
P.S. HAJO
DIST. KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR T KALITA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

24.05.2024

Heard Mr S M Abdullah P, learned counsel for the petitioner, Sabana Yasmin @
Anjana.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail, as she is behind bars since 17.04.2024, in connection with Hajo PS Case No. 124/2024, registered under Sections 143/147/447/326/ 325/307/354/341/379/427 of the Indian Penal Code, 1860.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam/respondent.

4. The allegation against the petitioner is that she along with her co-accused, armed with dao, axe, stone, stick etc. , forcefully entered into the premises of the complainant, damaging the complainant's gate, wall etc. When the family members of the complainant tried to resist, the petitioner along with her co-accused assaulted them, causing grave injuries. The petitioner along with the co-accused have also molested the victims-'X' and 'Y' and ripped off their garments. On the next morning, the petitioner and her co-accused snatched away Rs. 20,000/- from the informant's elder brother, Samsul Hoque, who was carrying the money for treatment of his injured brother, Ainul Hoque, at Barpeta Civil Hospital. One of the co-accused, Raju Ali, also stabbed Ainul Hoque, with a sharp weapon. Meanwhile, the Police was informed.

5. The learned Additional Public Prosecutor has submitted that the injured persons as described in the FIR, had sustained minor injuries. There are allegedly incriminating materials against the petitioner.

6. I have considered the submissions at the Bar with circumspection.

7. I have also considered the submission that the petitioner is willing to cooperate with the investigation.

8. The Case Diary reveals that investigation has progressed to a considerable extent.

9. It appears that custodial detention of the petitioner may not be required for the progress of investigation.

10. The petitioner is a local resident and she is not a flight risk.

11. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/-, with one surety of the like amount to the satisfaction of the learned JMFC, Hajo, under the conditions that:-

- i) the petitioner shall refrain from such activities, with which she is alleged,
- ii) the petitioner shall not exercise threats to the witnesses; and
- iii) the petitioner shall not leave the jurisdiction of the Court without prior permission, till completion of investigation.

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

12. Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant