

GAHC010100812024



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

Case No. : I.A.(CrI.)/470/2024

AJAY BHUMIZ
S/O- SRI BOGAI BHUMIZ, R/O- AMGURI BORBAM, P.S.-HALUATING,
DISTRICT- SIVASAGAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:SRI SIVA MIRDHA

W/O- LATE SAMRU MIRDHA
R/O- HALUATING TEA ESTATE
P.S.- HALUATING
DISTRICT-SIVASAGAR
ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 20.05.2024

Heard Mr. S.Borthakur, learned Senior Counsel assisted by Mr. S.Dey, learned counsel for the applicant and Mr. B.Sharma, learned Addl.P.P. for the State opposite party.

By filing this interlocutory application, the applicant has prayed for releasing him on temporary bail to attend the funeral ceremonies and last rites of his mother from 20.05.2024 to 25.05.2024 who expired on 11.05.2024.

Learned counsel for the applicant submits that mother of the applicant expired on 11.05.2024. The applicant was convicted under Section 306 of the IPC and sentenced to undergo Rigorous imprisonment for 5 years and fine of Rs.5,000/- in default rigorous imprisonment for another 3 months. It is further submitted that the applicant has a good case for acquittal in connection with the alleged offence. In support of the fact, one report from the Gaonburah of Miri-Chutia Khanda Borbam Chutia Gaon has been furnished which shows that the mother of the applicant, namely, Smti Renu Bhumiz died on 11.05.2024.

Learned Addl.P.P. on the other hand submits that applicant be allowed to attend the last rites of his mother.

Considering the submission of the parties, the application is partly allowed.

The learned CJM, Sivasagar is directed to release the applicant Ajay Bhumiz in the morning of **21.05.2024** with police protection and ensure of his return to the jail on the same day in the evening.

Inform Jail Superintendent accordingly.

The interlocutory application is disposed of.

JUDGE

Comparing Assistant