

GAHC010102532024



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

Case No. : AB/1338/2024

JAN MAHAMMAD ALI @ MD. JAN MOMUD ALI AND ANR
S/O ROUSAN ALI, R/O BHETAMUKH, NAYAN PARA, (NORTH GUWAHATI),
P.S.-CHANGSARI, DIST- KAMRUP, ASSAM

2: PARIJAN BIBI @ MISS PARIJAN BIBI
W/O JAN MAHAMMAD ALI @ JAN MOMUD ALI
R/O BHETAMUKH
NAYAN PARA
(NORTH GUWAHATI)
P.S.-CHANGSARI
DIST- KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.06.2024

1. Heard learned counsel Mr. A. Paramanik for the petitioners, namely (i) Jan

Mohammad Ali@ Md. Jan Momud, and (ii) Parijan Bibi2 Miss Parijan Bibi.

2. This application has been filed by the petitioners under Section 438 of the Cr.PC as they are apprehending arrest in connection with Changsari P.S. Case No. 143/2024 registered under Section 498(A)/302 of the IPC.

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

4. The allegation against the petitioners in the FIR is that they had subjected the victim to cruelty to meet their illegal demand of dowry and finally the petitioners had killed the victim. It is submitted that the petitioner No. 2 is the first wife of the petitioner No. 1 and the victim was the second wife of the petitioner No. 1. It is submitted on behalf of the petitioner that the victim was suffering from paralysis and that she has committed suicide.

5. The learned Additional Public Prosecutor has submitted that the Post-mortem report clearly reveals that death was due to the ante-mortem hanging which indicates that it was a suicidal death and not homicidal death.

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

7. The merits of the case are not brought to the fore, as this case is still under investigation. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required.

8. The petitioners being local residents are willing to co-operate with the investigation and they are not flight risks.

9. Considering all aspects and after scrutinizing the Case Diary, it appears that anticipatory bail may be granted.

10. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 50,000/- (Rs. Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that;

- (i) the petitioner shall appear before the Investigating Officer within 1 (one) week and co-operate with the investigation,
- (ii) the petitioner shall not jump the Jail, and
- (iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

11. Send back the Case Diary.

JUDGE

Comparing Assistant