

GAHC010104882024



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

Case No. : AB/1384/2024

MORIAM NESSA @ MORIAM BEGUM AND 3 ORS
W/O MD. SAIFUL ISLAM, R/O NO. 2 BORSOLA VILLAGE, P.S.-NORTH
LAKHIMPUR, DIST- LAKHIMPUR, ASSAM

2: MD. SAIFUL HUSSAIN
S/O LT. NEWAJ ALI
R/O NO. 2 BORSOLA VILLAGE
P.S.-NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM

3: MD. ANAR HUSSAIN
S/O MD. SAIFUL ISLAM
R/O NO. 2 BORSOLA VILLAGE
P.S.-NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM

4: MD. NOOR HUSSAIN
S/O MD. SAIFUL ISLAM
R/O NO. 2 BORSOLA VILLAGE
P.S.-NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 25-06-2024

Heard Mr. P. Hazarika, learned counsel for the petitioners.

2. The petitioners, namely, [1] Moriram Nessa @ Moriam Begum [2] Md. Saiful Hussain [3] Md. Anar Hussain and [4] Md. Noor Hussain have filed this application u/s 438 Cr.PC with prayer of pre-arrest bail as they are apprehending arrest in connection with North Lakhimpur Police Station Case No. 132/2024 under Sections 498 A/306/34 IPC.

3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State.

4. The allegation against the petitioners is that they have instigated the accused No. 1 Md. Maqbul Hussain to subject the victim to cruelty. This provoked the victim to commit suicide.

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

6. It is submitted on behalf of the petitioners that there are no allegations against the father and the brother of the main accused and they are entitled to interim bail.

7. The FIR however reflects allegation of instigation against all the petitioners. Serious allegations are leveled against the petitioner No. 1.

8. The learned Additional Public Prosecutor has raised objection stating that there are grave incriminating materials basically against the in-laws of the

deceased victim.

9. I have perused the Case Diary. Indeed there are grave incriminating materials against the petitioner Nos. 1 and 2. The petitioner No. 2 was granted interim bail. The interim bail order is vacated. At this juncture, the merit of the case is not brought to the fore. I have considered the magnitude of the offence and the role attributed to the petitioner Nos. 1 and 2. There appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner Nos. 1 and 2. Hence, prayer for anticipatory bail in respect of petitioner Nos. 1 and 2 stands rejected at this stage.

10. The prayer for interim bail in respect of petitioner No. 3 and petitioner No. 4 is allowed.

11. In the event of arrest of the petitioner No. 3 and petitioner No. 4, they shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) The petitioner Nos. 3 and the petitioner No. 4 shall appear before the Investigating Officer and cooperate with the investigation.

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

13. Send back the Case Diary.

JUDGE

Comparing Assistant