

GAHC010106882024



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

Case No. : Bail Appln./1549/2024

SAPINA KHATUN @ SAFINA KHATUN
W/O SOHIDUR RAHMAN, R/O VILL- BORALKUNDI PART 10, P.S.-
JOGIGHOPA, DIST- BONGAIGAON, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.06.2024

Heard Mr. S. Nawaz, learned counsel for the petitioner, Sapina Khatun @ Safina Khatun.

2. The petitioner has filed this application under Section 439 Cr.P.C., with prayer for bail, as she is behind bar since 15.04.2024, in connection

with Jogighopa P.S. Case No. 62/2024, registered under Sections 302/34 of the Indian Penal Code, 1860.

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

4. The FIR unfolds that the petitioner along with other co-accused persons named in the FIR subjected the deceased Mariyam Bewa to physical and mental cruelty and earlier also they made an attempt to commit murder by causing her death on multiple occasions. The deceased/victim used to tolerate the atrocities. On 14.04.2024 at about 9 p.m., a quarrel broke out and all the accused persons named in the FIR assaulted the victim Mariyam Bewa who finally succumbed to her injuries.

5. It is submitted by the learned counsel for the petitioner that there was a fight between the brothers and the petitioner's name has been booked without any direct allegation against her. The petitioner has already been languishing in jail for 73 days. It is further submitted that there was no intention to commit murder because the accused named in the FIR were not armed. It is admitted that there was a scuffle and in this scuffle, the victim succumbed to her injuries.

6. The learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials in the case diary against the petitioner.

7. I have considered the submissions at the Bar with circumspection. I have also considered the length of detention and the progress of

investigation. The merits of the case is brought down to the fore. The petitioner is a local resident and she is not a flight risk. The petitioner is ready to co-operate with the remaining part of the investigation. The petitioner is willing to abide by any stringent bail conditions.

8. In view of my foregoing discussions, petition is allowed. The petitioner namely, Sapina Khatun @ Safina Khatun is enlarged on bail of Rs. 50,000/-, with one surety of the like amount to the satisfaction of the learned SDJM, Ahayapuri, Bongaigaon, 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.

9. Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant