

GAHC010107612024



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

Case No. : AB/1413/2024

SALEHA KHATUN AND ANR
W/O LATE ABDUL KHALEK, R/O MAHERIPAR, P.S.-JURIA, DIST-NAGAON,
ASSAM

2: KHALEDA KHATUN @ KHALEDA BEGUM
W/O SAFIQUUL ISLAM
R/O NO. 5 BHAGAMUKH
P.S.-RUPAHIHAT
DIST- NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05-06-2024

Heard Mr. S.M. Abdullah, learned counsel for the petitioners namely 1. Saleha Khatun and 2. Khaleda Khatun @ Khaleda Begum.

2. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure, 1973 as they are apprehending arrest in connection with Lawkhowa Chapori Police Station Case No. 04/2024 under Section 306 of the Indian Penal Code, 1860.

3. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that the informant's son was having a love relationship with the daughter of the accused No. 1. Petitioner No. 2 is the wife of the accused No. 1 Sofiquil Islam. It was agreed by both the parties that when the informant's son and the daughter of the accused No. 1, attains appropriate age, their marriage would be solemnized. Then the informant's son went to Kerela and he returned at the time of Eid. He visited the petitioners' house and they assaulted him. Again on 07.05.2024, the informant's son went to the petitioners' house and they again assaulted him. This drove the informant's son to commit suicide.

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

6. It is submitted at the bar that the informant's son and the daughter of accused No. 1 had a relationship and their marriage is to be solemnized.

7. It is also submitted by the learned Additional Public Prosecutor that there are incriminating materials in the Case Diary that the petitioners have assaulted the informant's son which drove him to commit suicide.

8. It is submitted on behalf of the petitioners that no offence under Section 306 of the IPC is made out. There is no abatement to commit suicide when there is no allegation that there was instigation to the deceased to commit

suicide.

9. I have also considered that investigation has progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of investigation. The petitioners are local residents and they have pledged to cooperate with the investigation and abide by any stringent conditions if imposed upon them.

10. Considering all aspects and in view of my foregoing discussion, petition is allowed.

11. In the event of their arrest, the petitioners shall be enlarged 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 shall appear before the Investigating Officer within 10 (Ten) days and cooperate with investigation.

(ii) The petitioners shall not exercise threats to the witnesses.

(ii) The petitioners shall not leave the jurisdiction of the jurisdictional Court without prior permission.

12. In the above terms this Anticipatory Bail application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant