

GAHC010107712024



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

Case No. : AB/1417/2024

WAHIDA KHATUN @ AAHIDA KHATUN AND ANR
W/O SAMED ALI, VILL- AKABASTI MIRIGAON, P.S.-CHARIDUAR, DIST-
SONITPUR, ASSAM

2: SABINA KHATUN @ SABINA IYASAMIN
D/O SAMED ALI
VILL- AKABASTI MIRIGAON
P.S.-CHARIDUAR
DIST- SONITPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M H AHMED, I AMIN, MS. N SULTANA
Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

30.09.2024

Heard the learned counsel Mr. M.H. Ahmed appearing for the petitioner. Also heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC praying for pre-arrest bail in

respect of Chariduar P.S. Case No.46/2024 under Sections 120(B)/302 of the Indian Penal Code read with Section 34 of the said Code.

3. The deceased woman was married to Marijul Hussain. The present two petitioners are his mother and sister. On 15.03.2024, Samed Ali, the father of Mirajul Hussain informed the present informant that his daughter had consumed poison and she was admitted at B.J. Hospital, Tezpur. Getting the information, the informant immediately went there. The woman could not say anything but pointed her finger towards the present petitioners. Therefore, Mirajul Hussain was handed over to police. The informant has alleged that he suspected that the present two petitioners had killed his daughter by torturing her.

4. It may be stated that Mirajul Hussain has already been arrested.

5. The case diary reveals that these two petitioners had also misbehaved with the deceased on nay occasions. The case diary reveals mental and physical harassment to the deceased woman.

6. I have considered the submissions made by the learned counsel of both sides.

7. Both the petitioners are women. One of them aged about 51 years and the other 34 years married woman.

8. This Court is of the opinion that these petitioners do not deserve to be detained in custody. Their pre-arrest bail application is allowed.

9. It is hereby directed that in the event of arrest in connection with Chariduar P.S. Case No.46/2024 under Sections 120(B)/302 of the Indian Penal Code read with Section 34 of the said Code, the petitioners, namely- (1) Wahida Khatun @ Aahida Khatun and (2) Sabina Khatun @ Sabina Iyasamin are allowed to go on bail of ₹20,000/- each with sureties of like amount to the satisfaction of the arresting authority.

10. Both these petitioners are directed to appear before the Investigating Officer

within next 10(ten) days from today.

With the aforesaid direction, the bail application is disposed of accordingly.

The case diary shall be returned.

JUDGE

Comparing Assistant