

GAHC010111572024



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

Case No. : Bail Appln./1620/2024

IBRAHIM ALI AND ANR
S/O MD. MOKBUL HUSSAIN
R/O DATIRBORI
P.S. PATACHARKUCHI,
DIST.BAJALI, ASSAM

2: MD. MOYNAL HOQUE
S/O MD. MOKBUL HUSSAIN
R/O DATIRBORI
P.S. PATACHARKUCHI
DIST. BAJALI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

14.06.2024

Heard Mr. K. Thakur, learned counsel appearing for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the opposite

party.

This Bail Application under section 439 of the CrPC has been filed by the petitioners, namely, (1) Md. Ibrahim Ali and (2) Mr. Moynal Hoque, with the prayer to grant bail as they are behind bars since 19.04.2024 in connection with Patacharkuchi Police Station Case No. 80/2024, registered under Section 326/307/498(A) of the IPC.

The allegation against the petitioners is that they have subjected the victim to cruelty. The victim was married to petitioner No. 1 and, at the behest of his family members he subjected the victim to cruelty to fulfil their illegal demand for dowry. On 11.04.2024, at around 8:30 P.M. the petitioners and other family members assaulted the victim with dangerous weapons and tried to set her ablaze after tying her hands and feet. However, witnessing the incident, the victim's son raised alarm and the victim was rescued by the neighbours.

Learned Additional Public Prosecutor has raised serious objection to the application for bail stating that there are incriminating material against the petitioners.

I have perused the Case Diary and the materials available on record.

Indeed, there are incriminating materials against the petitioners. However, the investigation into the case has progressed to a considerable extent and the statements of the witnesses, including the victim have been recorded. It appears that further custodial detention of the petitioners may not required for further progress of the investigation.

In view of the above and considering the fact that the petitioners are willing to cooperate with the remaining part of the investigation of the case and also to abide by any stringent condition(s) that may be imposed by this Court while granting bail, this Court is inclined to grant bail to the petitioners.

Accordingly, this Bail Application is allowed. The petitioners are directed to be enlarged on bail of Rs. 50,000/- each, with one surety of the like amount to the

satisfaction of the learned Chief Judicial Magistrate, Bajali, under the conditions that the petitioners shall not leave the territorial jurisdiction of the Chief Judicial Magistrate, Bajali, without prior permission, till completion of the investigation.

Bail Application stands disposed of.

Send back the Case Diary.

Comparing Assistant