

GAHC010115892024



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

Case No. : AB/1520/2024

SUKUMUDDIN
S/O TOINUDDIN, R/O BAGMARA, P.S.-CHHAYGAON, DIST- KAMRUP,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MR. J ALI,MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

08.08.2024

Heard the learned counsel Mr. J. Ali appearing for the petitioner. Also heard Mr. D. Das, the learned Addl. Public Prosecutor representing the State of Assam.

2. This is an application under Section 438 of the Cr.P.C. praying for grant of pre-arrest bail in respect of Chhaygaon P.S. Case No.131/2024 under Sections 302/328 and 307 of the

Indian Penal Code.

3. On 09.02.2024 at about 4 P.M., the 15 year old son of the informant went out of home with Sukumudin and Sanidul Islam. That night, the young boy did not return home. On 10.02.2024 at about 7 in the morning, the young boy was found lying by the side of the road. He was unconscious at that time. The boy was taken to the hospital at Goroimari. Since his condition was found to be critical, he was referred to the GMCH. On the way to GMCH, the young boy died.

4. The FIR was lodged by the mother of the said boy. She has alleged that her son might have been assaulted and administered some intoxicating drugs.

5. The Inquest Report shows that there were no signs of injury on the body of the boy. The Post Mortem Report discloses that the cause of death of the informant's son could not be ascertained by the doctors. The viscera was sent to FSL for examination. The FSL Report shows that no poison was found in the viscera.

6. The case diary shows that on 11.07.2024, the father of the said boy was also lodged an ejahar in the Police Out Post and on the basis of that, the GD Entry No.156 was made in the Out Post. That FIR is not available in the record.

7. The present FIR was filed on 11.04.2024 and on the basis of that, Chhaygaon P.S. Case No. 131/2024 was registered.

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

9. This Court is of the opinion that there is no *prima facie* evidence to connect the present petitioner Sukumuddin with the aforesaid occurrence. Therefore, he does not deserve to be detained in custody. His pre-arrest bail application is allowed.

10. It is hereby directed that in the event of arrest in connection with Chhaygaon P.S. Case No.131/2024 under Sections 302/328 and 307 of the Indian Penal Code, the petitioner Sukumudin shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of arresting authority.

11. The petitioner shall co-operate with the police investigating officer as and when called for.

Case diary shall be returned.

The application for bail is disposed of.

JUDGE

Comparing Assistant