

GAHC010116532024



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

Case No. : AB/1528/2024

MD. MOSAMADDIN ALI @ MD. MUSAMUDDIN
S/O OCHMAN ALI, R/O VILL- KUMARPARA, P.O.-DEOMARNOI, P.S.-
SIPAJHAR, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

16.07.2024

Heard Mr S I Akand, learned counsel for the petitioner, Md Mosamaddin Ali @ Md Musamuddin, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Sipajhar PS Case No. 64/2024, under Sections 302/34 of the Indian Penal Code, 1860.

3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam/respondent.
4. The learned Additional Public Prosecutor has raised serious objection against the bail petition stating that there are incriminating materials in the Case Diary against the petitioner.
5. The learned counsel for the petitioner has submitted that the petitioner being the brother-in-law of the deceased was not involved in the case. The petitioner resides in a separate residence and it is not possible for him to act in furtherance of such an offence to commit murder of his sister-in-law.
6. I have scrutinized the Case Diary.
7. The merits of this case are not brought to the fore as the investigation is still under progress. However, at this juncture, I am constrained to reject the bail petition. Petition is rejected at this stage.
8. Send back the Case Diary.

JUDGE

Comparing Assistant