

GAHC010118792024



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

**Case No. : AB/1558/2024**

NUR NEHAR BEGUM @ NUR NEHAR  
W/O LT. NAZRUL ISLAM, VILL- MANDIA PATHAR, P.S.-BAGHBAR, DIST-  
BARPETA (ASSAM), PIN-781308

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. A ROSHID**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 28.06.2024**

Heard Mr. A. Roshid, learned counsel for the petitioner.

The petitioner, namely, Nur Nehar Begum @ Nur Nehar has filed this application under Section 438 Cr.P.C. with prayer for pre-arrest bail apprehending her arrest in connection with PRC Case No. 1193/2022 registered under Sections 120(B)/302 of the IPC pending in the Court of Judicial Magistrate, 1<sup>st</sup> Class, Barpeta arising out of Baghbhar P.S. Case No. 258/2019 under Sections 120(B)/302 of the IPC.

Heard Mr. B. Sarmah, learned Addl. P.P., Assam for the State respondent.

The allegation against the petitioner is that she has subjected her daughter-in-law to cruelty. The learned Addl. P.P. has vehemently objected to the prayer for pre-arrest bail stating that the order dated 29.12.2023 the learned Addl. Sessions Judge, Barpeta in Misc. Criminal (Bail) Case No. 592/2023 clearly reveals that the petitioner earlier applied for anticipatory bail before this Court. It is also submitted that earlier on 3 occasions the petitioner had applied for bail and the same was rejected taking into consideration the petitioner's role in the offence alleged against her. The prayer for pre-arrest bail on parity is not applicable in this case as the petitioner's son who is the husband of the deceased was granted bail. The petitioner is the mother-in-law of the deceased victim and there are sufficient incriminating evidence against the petitioner. Considering the above the bail petition was rejected.

I have considered the submissions at the bar with circumspection. I have also scrutinised the scanned copies of the case record. The case is pending since 2019.

The learned counsel for the petitioner has submitted that the petitioner is willing to cooperate with the trial. I have taken a pragmatic view as the case is pending since 2020. The petitioner's co-operation will prevent further delay in trial.

In view of above, the petitioner is directed to appear before the jurisdictional Court on or before 04.07.2024 and apply for bail which may be considered by the Court in accordance with law.

Till then, no coercive action shall be taken against the petitioner.

In terms of the above observation, the bail application is disposed of.

**JUDGE**

**Comparing Assistant**