

GAHC010133642024



2024:GAU-AS:8039

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

Case No. : AB/1824/2024

NEKIBUR ISLAM AND ANR
S/O SAMSUL HOQUE, R/O VILL NO. 2 GAYANGAON, P.S.-DHING, DIST-
NAGAON (ASSAM)

2: NOINAHAR BEGUM
W/O SAMSUL HOQUE
R/O VILL NO. 2 GAYANGAON
P.S.-DHING
DIST- NAGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD B ISLAM, MR A ALAM, MR S HUSSAIN, MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

16.08.2024

Heard Mr. B. Islam, the learned counsel appearing for the petitioners. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC praying for grant of

pre-arrest bail in connection with Moirabari P.S. Case No.57/2024, registered under Sections 306/34 of the Indian Penal Code.

3. There was a talk of marriage between the daughter of the informant and the present petitioner no.1. After some days, the petitioner demanded dowry. As the father of the girl failed to give dowry to the present petitioner, he refused to marry the girl. It is alleged that for that reason, the girl committed suicide by hanging.

4. Mr. Islam has pointed out that the petitioner no.1 came to know that the girl was maintaining relationship with another boy of the village and therefore he refused to marry her.

5. The case diary does not contain any materials to suggest that the present petitioners have abetted the suicide of the said girl. Therefore, the petitioners do not deserve to be detained in custody. Their pre-arrest bail application is allowed.

6. It is hereby directed that in the event of arrest in connection with Moirabari P.S. Case No.57/2024, registered under Sections 306/34 of the Indian Penal Code, the petitioners namely- (1) Nekibur Islam and (2) Noinahar Begum shall be released on bail of ₹25,000/- each with sureties of like amount to the satisfaction of the arresting authority.

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

Return the case diary.

JUDGE

Comparing Assistant