

GAHC010188262024



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

Case No. : Bail Appln./2753/2024

ALTAF HUSSAIN
S/O ANOWAR HUSSAIN @ BULUN, R/O KARAIKHOWA DEUDHUTURI, P.S.-
BAGUAN, DIST - GOALPARA (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MS R DEKA, MR. I U
CHOWDHURY, MR. A AHMED

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/1747/2024

ANOWAR HUSSAIN @ BULUN AND 2 ORS
S/O- LATE KHALIL MIAH

R/O- DEUDHUTURI

P.S.- BAGUAN

DISTRICT- GOALPARA (ASSAM).

2: ALEYA KHATUN @@ ALEA KHATUN

W/O- ANOWAR HUSSAIN @ BULUN

R/O- DEUDHUTURI

P.S.- BAGUAN

DISTRICT- GOALPARA (ASSAM).

3: ALTAF HUSSAIN
S/O- ANOWAR HUSSAIN @ BULUN

R/O- DEUDHUTURI

P.S.- BAGUAN

DISTRICT- GOALPARA (ASSAM).
VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR
ASSAM.

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : AB/1749/2024

AHMED ALI AND ANR
S/O- LATE HAJI RAMJAN ALI

R/O- KHARMUZA

P.S.- GOALPARA

DISTRICT- GOALPARA (ASSAM).

2: ABDUR RAHIM @ RAHIM
S/O- SHEIKH MOHAMMAD ALI

R/O- JOLESWAR BANYAGURI

P.S.- LAKHIPUR

DISTRICT- GOALPARA (ASSAM).
VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR
ASSAM.

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

30.09.2024

Heard Mr. HRA Choudhury, learned senior counsel assisted by Mr. A. Ahmed, the learned counsel appearing for the petitioners. Also heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam. Mr. H. Das, the learned counsel appears for the informant.

2. This is an application under Section 483 and 482 of the BNSS, 2023 praying for grant of regular bail as well as pre-arrest bail to the petitioners.

3. All the petitioners are relatives. The informant Atowar Rahman lodged an FIR before police alleging that his daughter who was married to the petitioner husband Altaf Hussain, she was misbehaved by her petitioner husband and his other relatives. It is also alleged that all the petitioners in pursuance of a conspiracy administered poison upon his daughter. On 25.06.2024, she was taken to the Hospital and she expired.

4. The post-mortem report does not disclose the cause of death and the viscera

was sent to the FSL for examination.

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

6. Mr. Das has objected to the bail prayers on the ground that all the petitioners are responsible for the death of the deceased.

7. Mr. Borah submits that we should wait for the FSL Report.

8. Mr. Choudhury has submitted some documents, which shows that when the victim consumed poison for the first time, her husband took her to the hospital and she was cured and discharged.

9. Before her death, the deceased became ill and therefore, her husband had taken her to the hospital where she breathed her last.

10. Now, this Court is of the opinion that the report of the FSL is not required for disposal of these petitions. This is an admitted fact that the deceased herself had consumed poison.

11. Under the given facts and circumstances of the case, this Court is of the opinion that the petitioner Altaf Hussain no longer deserves to be detained in custody for any further period of time. His bail application is allowed.

12. It is hereby directed that the petitioner Altaf Hussain who was arrested in connection with Baguan P.S. Case No.35/2024 under Section 304(B)/328/302 of the Indian Penal Code, is allowed to go on bail of ₹20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Goalpara.

13. So far as the other petitioners namely, (1) Anowar Hussain @ Bulun and (2) Aleya Khatun @ Alea Khatun in AB No.1747/2024 and petitioners Ahmed Ali and Abdur Rahim @ Rahim in AB No.1749/2024 are concerned, since they have appeared before the Investigating Officer and have co-operated with police investigation, they do not deserve to be detained in custody. Their anticipatory bail applications are allowed. Interim orders passed earlier in their favour are made absolute.

14. The petitioners who are granted anticipatory bail, shall co-operate with police investigation as and when required.

With the aforesaid direction, the entire three bail applications stand disposed of.

JUDGE

Comparing Assistant