

GAHC010136142024



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

Case No. : AB/1783/2024

AMINUL HAQUE @ AMINUL HUSSAIN AND ANR
S/O MAGBUL HUSSAIN, VILL- DATIRBORI, P.S.-PATACHARKUCHI, DIST-
BAJALI, ASSAM

2: AHIDA KHATUN
W/O AMINUL HUSSAIN
VILL- DATIRBORI
P.S.-PATACHARKUCHI
DIST- BAJALI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R ALI, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

02.09.2024

1. Heard learned counsel Mr. H. A. Ahmed for the petitioners, namely (i)

Aminul Haque @ Aminul Hussain, and (ii) Ahida Khatun.

2. The petitioners have filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Patacharkuchi Police Station Case No. 80/2024 under Sections 326/307/498(A)/34 of the IPC.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioners is that they have been subjecting the victim to cruelty and domestic violence was prevalent in the household. It is submitted on behalf of the petitioners that the petitioner No. 1 is the elder brother of the prime accused and petitioner No. 2, who is the wife of Aminul Haque @ Aminul Hussain, is the sister in law of the prime accused. It is submitted that the prime accused have already been arrested and enlarged on bail. The petitioners have been incriminated in an ominous manner. The petitioners are not complicit.
5. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioners.
6. I have scrutinized the Case Diary. The injuries sustained by the victim have been described as simple injuries caused by blunt object.
7. I have considered the submission on behalf of the petitioners that the

petitioners are willing to co-operate with the remaining part of the investigation and to abide by any stringent bail condition, if imposed upon them. The petitioners are local residents and not flight risks.

8. Considering all aspects, petition is allowed. The petitioners shall be enlarged on bail of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

(i) The petitioners shall appear before the Investigating Officer within 1 (One) week and co-operate with the investigation,

(ii) The petitioners shall refrain from such activities with which they are alleged, and

(iii) The petitioners shall not leave the jurisdiction of the jurisdictional Court without prior permission.

On breach of any of the bail conditions, bail order shall automatically stand cancelled.

9. Send back the Case Diary.

JUDGE

Comparing Assistant