

GAHC010140172024



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

Case No. : AB/1836/2024

PURNIMA BEGUM @ PURNIMA KHATUN AND ANR.
W/O JALENUR MANDAL,
R/O VILL- CHILKIBIKI, P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM,
PIN-783380.

2: CHANOWAR HUSSAIN MANDAL @ SANOWAR MANDAL @ SANOWAR
S/O ABDUL MANNAF MANDAL

R/O VILL- CHILKIBIKI
P.S. BONGAIGAON
DIST. BONGAIGAON
ASSAM
PIN-78338

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

09.08.2024

Heard Mr M Khan, learned counsel for the petitioners, 1) Purnima Begum @ Purnima Khatun and 2) Chanowar Hussain Mandal @ Sanowar Mandal @ Sanowar,

who have filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, apprehending their arrest in connection with Bongaigaon PS Case No. 115/2024, registered under Section 447/302/34 of the Indian Penal Code, 1860.

2. Also heard Ms N Das, learned Additional Public Prosecutor for the State Respondent.

3. The allegation against the petitioners is that they along with co-accused named in the FIR armed with heavy bamboo and iron rods attacked Amzad Ali Sheikh. When the father of Amzad Ali Sheikh and other relatives tried to stop the attack, they were also attacked in the process. The victim Amzad Ali Sheikh was taken to the Bongaigaon Civil Hospital but he was declared as dead.

4. It is submitted by the learned counsel for the petitioners that the charge sheet has not been laid against the petitioners. He further submits that the petitioners are in no way involved in the alleged offence as stated in the FIR. Considering the background of the case, the petitioners may be granted the privilege of pre-arrest bail.

5. It is further submitted that the petitioner No. 1 is the wife of accused No. 2 and the petitioner No. 2 is the nephew of the accused Nos. 2, 3 and 4, named in the FIR. The accused Nos. 2, 3 and 4 are the prime accused and they have already been arrested in connection with this case and released on bail. The petitioner No. 1 is a woman with a 4-year-old child and she is not involved with this case. The petitioner No. 2 is also not at all involved in this case.

6. The learned Additional Public has raised serious objection stating that there are incriminating materials in the Case Diary, against the petitioners.
7. I have also scrutinized Case Diary.
8. Indeed there are incriminating materials in the Case Diary against the petitioners.
9. I have considered the magnitude of the offence under which the petitioners are booked. The petitioners are thus not entitled to bail.
10. Petition with prayer for bail is rejected at this stage.
11. Send back the Case Diary.

JUDGE

Comparing Assistant