

GAHC010140552024



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

Case No. : AB/1825/2024

ROFIQUL ALOM AND ANR
S/O LATE SUKUR ALI, R/O VILL- TUKRAPARA, P.O.-TUKRAPARA-781137,
P.S.-GOROIMARI, DIST- LAKHIMPUR, ASSAM

2: SHAHANARA BEGUM
W/O ROFIQUL ISLAM
R/O VILL- TUKRAPARA
P.O.-TUKRAPARA-781137
P.S.-GOROIMARI
DIST- LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S
NEOG, MR. M ALI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

01.10.2024

Heard Mr. B Saikia, learned counsel for the petitioners and Mr. D. Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail in favour of the petitioners, namely, (1) Rofiqul Alom and (2) Shahanara Begum, in connection with Goroimari P.S. Case No. 70/2024.

The petitioner no. 1 Rofiqul Alom is the owner of a pharmacy. When the pregnant wife of the informant was suffering from fever, her husband purchased some medicines from the shop of the petitioner no. 1. After consuming medicines, the pregnant wife started to suffer from stomach pain. The petitioner no. 1 Rofiqul Alom told the wife of the informant that her baby had died inside the womb. After that, Rofiqul Alom allegedly wanted to take out the baby from the abdomen of the woman for which, she became seriously ill. Thereafter, immediately she was shifted to the GNRC Hospital, Amingaon and on 27.06.2024, the wife of the informant had expired.

It appears from the Case Dairy that there are sufficient incriminating materials against the petitioner no. 1. Therefore, he does not deserve to be given the privilege of anticipatory bail. Hence, the prayer for pre-arrest bail made in favour of the petitioner no. 1 Rofiqul Alom is rejected.

Further, there is lack of materials in the Case Dairy against the petitioner no. 2 Shahanara Begum. Therefore, the petitioner no. 2 Shahanara Begum does not deserve to be detained in custody. Accordingly, her prayer for pre-arrest bail is allowed.

It is hereby directed that in the event of arrest of the petitioner no. 2 Shahanara Begum in connection with Goroimari P.S. Case No. 70/2024, the arresting authority shall release her on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the arresting authority.

The petitioner no. 2 Shahanara Begum is directed to appear before the Investigating Authority within next 10 (ten) days, without fail.

The bail application is disposed of.

Case Diary shall be returned.

JUDGE

Comparing Assistant