

GAHC010143792024



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

Case No. : AB/2024/2024

MD. AJIBOR ALI
S/O MD. HABIBOR ALI, R/O VILL- KURIHAMARI, P.O.-BHANGNAMARI, P.S.-
SIALMARI, DIST- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 16.09.2024

Heard Mr. B. Chowdhury, learned counsel appearing for the petitioner as well as Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. This is an application filed under Section 482 of the BNSS, 2023, whereby the petitioner has prayed for releasing him on bail in connection with Sialmari P.S. Case No. 38/2021 (corresponding to GR Case No. 2080/2021).

3. The informant has alleged in the FIR that after the marriage of his daughter with the present petitioner, she was often beaten up by the present petitioner. It is specifically alleged that on 09.09.2021, at about 7 AM, his daughter was beaten up by the petitioner and the petitioner forced her to consume poison. After that, the petitioner had allegedly taken the woman to the hospital. But after 7 days, the daughter of the informant had expired at the GMC hospital.
4. The case diary shows that the deceased had consumed poison, but there are no materials in the case diary to show that she was forcefully administered poison by the petitioner.
5. The case diary, in fact, does not show sufficient incriminating materials to justify custodial interrogation of the petitioner.
6. Therefore, their bail application of the petitioner is allowed.
7. It is hereby directed that in the event of arrest in connection with Sialmari P.S. Case No. 38/2021 (corresponding to GR Case No. 2080/2021), the petitioner, namely, Md. Ajibor Ali shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the arresting authority.
8. The petitioner is directed to co-operate with the Investigating Officer as and when required.

With the aforesaid direction, both the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant