

GAHC010150222024



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

Case No. : AB/1946/2024

MD. SUEF ALI AND ANR.
SO LATE RAMJAN ALI
R/O VILL- KACHARUA
P.O. PUTHIMARI, P.S.KAMALPUR
DIST. KAMRUP, ASSAM

2: MD. MUSTAFA HUSSAIN @ MUSTAFA ALI
S/O LATE RAMJAN ALI
R/O VILL- KACHARUA
P.O. PUTHIMARI
P.S. KAMALPUR
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A GOGOI,

Advocate for the Respondent : PP, ASSAM, MR M RAHMAN, MD S ALI

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 27.08.2024

Heard Mr. A. Gogoi, the learned counsel appearing for the petitioners as well as Mr. P. Borthakur, the learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioners in respect of Kamalpur P.S. Case No.104/2024 registered under Sections 108/3(5) of the BNSS, 2023.

3. It is alleged in the FIR that Ms. Rijumoni Begum, after 8 years of marriage with Abdul Hai and after becoming a mother of two children, had committed suicide by consuming poison because her husband and his relatives meted out physical and mental harassment upon her for demand of dowry. On one occasion Abdul Hai had taken Rs.1,40,000/- from her parents and his wife.

4. The postmortem report states that the cause of death of the victim could not be ascertained and her viscera was sent to FSL. The case diary reveals that the deceased had consumed zinc phosphide.

5. So far as implication of the present petitioners is concerned, some witnesses have implicated them that they have also caused harassment to the deceased.

6. The deceased was subjected to harassment for the last 8 years but she never made a complaint before anyone.

7. I have considered the submissions made by the learned counsels of both sides.

8. This Court is of the opinion that the petitioner, Md. Suef Ali does not deserve to be detained in custody for the allegation brought against him. Therefore, the prayer of pre-arrest bail made by the petitioner Md. Suef Ali is allowed.

9. It is hereby directed that in the event of arrest in connection with Kamalpur P.S. Case No. 104/2024, the petitioner Md. Suef Ali shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the arresting authority. He shall co-operate with

the Investigating Officer within next 10 days from today.

10. The other petitioner, Md. Mustafa Hussain @ Mustafa Ali had already been arrested by police. Therefore, no order is required to be passed against him.

11. The bail application stands disposed of.

The case diary shall be returned.

JUDGE

Comparing Assistant