

GAHC010150892024



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

Case No. : AB/1952/2024

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

2: MD. SHAHJAHAN 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(INFORMANT),MD S
ALI(INFORMANT)

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

22.08.2024

Heard the learned counsel Mr. A. Gogoi appearing for the petitioner. I

have also heard Mr. K.K. Parasar, the learned Addl. Public Prosecutor, Assam.

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

3. Late Rijumoni Begum was married to Abdul Hai about 8 years prior to lodging of the FIR. After the birth of her second daughter, she was subjected to physical and mental torture by her husband and all other family members. They demanded dowry. As a dowry, on one occasion, Abdul Hai took an amount of Rs.1,40,000/- from the informant's family. Even after that, the entire family continued to harass her physically and mentally. Unable to bear all those things, Rijumoni Begum consumed poison. She was brought to the hospital where she breathed her last.

4. The present petitioner is the wife of the brother of Abdul Hai. The case diary reveals that Abdul Hai was having an illicit relationship with the present petitioner.

5. The learned counsel for the informant has objected to this bail application on the ground that the deceased was physically and mentally harassed by all the petitioners including the present petitioner though she lives in a separate house near the house of the deceased.

6. I have considered the submissions made by the learned counsel of both sides.

7. This Court is of the opinion that under the given circumstances, the petitioner Md. Abdul Hai does not deserve to be given the privilege of anticipatory bail. Therefore, his pre-arrest bail application is rejected.

8. The case diary does not have sufficient incriminating material against the

other petitioner Md. Shahjahan Ali. Therefore, his pre-arrest bail application is allowed.

9. It is hereby directed that in the event of arrest in connection with Kamalpur P.S. Case No.104/2024, registered under Sections 108/3(5) of the BNSS, 2023, the petitioner Md. Shahjahan Ali shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority. The petitioner is directed to appear before the police investigating officer within next 10(ten) days from today.

The application for bail is disposed of accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant