

GAHC010161002024



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

Case No. : Bail Appln./2400/2024

AKSED ALI AND ANR
S/O NAJIR ALI, R/O KALGACHIA, NEAR MLA TINIALI, P.S.-KALGACHIA,
DIST- BARPETA, ASSAM

2: REJIA KHATUN
R/O KALGACHIA
NEAR MLA TINIALI
P.S.-KALGACHIA
DIST- BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A K AZAD, MS S DEVI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

14.08.2024

Heard Mr. A K Azad, learned counsel for the petitioners as well as Mr. P Borthakur, learned Additional Public Prosecutor, Assam.

This is an application filed under section 483 of the BNSS, 2023 by the petitioners, namely,

(1) Aksed Ali and (2) Rejia Khatun, who were arrested in connection with Kalgachia P.S. Case No. 24/2024 registered under Sections 304B/34 of the IPC and have been facing trial in connection with Sessions Case No. 109/2024), pending in the court of the learned Sessions Judge, Barpeta, have prayed for release on bail.

Mr. Azad, learned counsel for the petitioners has submitted that the petitioners are in custody for the last 100 days and all the witnesses except the Investigating Officer, Medical Officer and the Circle Officer have been examined.

Mr. Borthakur, learned Additional Public Prosecutor has submitted that the scanned copy of the case records are required to be called for.

I have considered the submission made by the learned counsel for both the sides. Deceased Tara Bhanu was married to the petitioner no. 1 Aksed Ali. The petitioner no. 2 Rejia Khatun is the mother of petitioner no. 1.

The father of Tara Bhanu had lodged an FIR on 27.02.2024 stating that his son-in-law i.e. the petitioner no. 1 used to demand money from his daughter and for that purpose she was subjected physical as well as mental Cruelty. It has also been alleged that on many occasions, Aksed Ali used to drive his wife out of the home. The informant has alleged that on 27.02.2024, at about 6 AM, he came to know that his daughter Tara Bhanu had committed suicide by hanging.

Police filed chargesheet under Section 306 IPC read with Section 34 of the said Code.

The trial court framed charges under section 302/304B of the IPC read with Section 34 of the said Code and also framed the charges under section 306 IPC read with section 34 of the said Code.

The petitioners have filed a piece of evidence recorded by the trial court. I have gone through the same.

Having heard the learned counsel for both the sides, this court is of the opinion that the petitioners do not deserve to be detained in custody for further period of time. Hence, the prayer for bail is allowed.

Accordingly, the petitioners, namely, (1) Aksed Ali and (2) Rejia Khatun, who were arrested in connection with Kalgachia P.S. Case No. 24/2024 registered under Sections 304B/34 of the IPC and have been facing trial in connection with Sessions Case No. 109/2024), pending in the court of the learned Sessions Judge, Barpeta, are allowed to go on bail of Rs.25,000/- each with one surety of like amount to the satisfaction of the learned Sessions Judge, Barpeta.

Both the petitioners are directed to be present before the trial court at the time of hearing of the PWs.

The bail application is disposed of.

JUDGE

Comparing Assistant