

GAHC010163472024



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

Case No. : Bail Appln./2411/2024

KHAIRUL ISLAM AND ANR
S/O AYUB ALI
R/O VILL- JORDANGA PART-II (KUCHNIMARA) P.S. MANKACHAR, DIST.
SOUTH SALMARA- MANKACHAR.

2: AYUB ALI
S/O GULLAB UDDIN SK.
R/O VILL- JORDANGA PART-II (KUCHNIMARA)
P.S. MANKACHAR

DIST. SOUTH SALMARA
MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A
BARBHUYAN, MS SURAYA RAHMAN, MR A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 12.09.2024

- 1)** Heard Mr. S. Nawaz, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam.
- 2)** This application under Section 483 of the BNSS, 2023 has been filed by the petitioners, namely, Khairul Islam and Ayub Ali, who have been detained behind the bars since 03.07.2024 (for last 72 days) in connection with Mankachar P.S. Case No.142/2024 under Sections 498(A)/302/201/34 of the Indian Penal Code.
- 3)** The gist of accusation in this case is that on 29.06.2024, one Mokbul Islam had lodged an FIR before the Officer In-Charge of North Mankachar Police Station, *inter-alia*, alleging that the petitioners named in the FIR including the accused persons subjected the daughter of the informant to torture. It is also mentioned in the FIR that the daughter of the informant was married to accused No.1, namely, Akhirul Islam.
- 4)** It is alleged in the FIR that on 26.06.2024, the accused persons murdered the daughter of the informant by hanging her in the house.
- 5)** The learned counsel for the petitioners has submitted that the victim was forcefully married to accused No.1 Akhirul Islam by the informant, who is her father and victim was not happy with the said marriage and ultimately she committed suicide.
- 6)** The learned counsel for the petitioners submits that the petitioners are detained behind the bars for last 72 days and considering the period of

detention undergone by the petitioners they may be allowed to go on bail.

7) It is also submitted that the petitioner are ready to co-operate with the Investigating Officer in the investigation.

8) On the other hand, learned Additional Public Prosecutor has produced the Case Diary of Mankachar P.S. Case No.142/2024 along with postmortem report of the deceased. He also submits that the postmortem report suggests that the death of the victim was due to asphyxia, following ante-mortem hanging, which was suicidal in nature.

9) I have considered the submissions made by learned counsel for both the sides and perused the materials available on record including the Case Diary, which was called for in connection with this case.

10) Considering the fact that the postmortem report of the deceased suggests that the hanging which is the cause of death of the deceased was suicidal in nature and also considering the period of detention undergone by the petitioners and the progress made in the investigation, further custodial detention of the accused persons does not seems to be necessary for fair completion of the investigation of Mankachar P.S. Case No.142/2024.

11) In view of above, the above named accused petitioners are allowed to go on bail of Rs.30,000/-(Rupees Thirty thousand only) each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, South Salmara, Mankachar, subject to the conditions that:-

- (i) the petitioners shall co-operate in the investigation.
- (ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before

the Investigating Officer or to any Court.

12) This bail application is accordingly disposed of.

13) Send back the Case Diary.

JUDGE

Comparing Assistant