

GAHC010169712024



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

Case No. : Bail Appln./2495/2024

ANOWARA BEGUM
W/O LATE NABAHAR ALI,
RESIDENT OF VILLAGE DOLOIPITH ,GOPESWAR, PS CHANGSARI, DIST
KAMRUP R ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A HUDA, MR K THAKUR,MR D MEDHI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.08.2024

1. Heard learned counsel Mr. D. Medhi for the petitioner Anowara Begum.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as she is behind bars since 07.08.2024 in connection with Bongaigaon Police Station Case No. 188/2024

under Sections 380 of the IPC.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation is that the petitioner is complicit in the theft of IMFL from the informant's shop. It is submitted on behalf of the petitioner that the petitioner's nephew, Najrul Islam was staying with the petitioner and she has rented a house to the accused Najrul Islam along with another person Jintu Choudhury who was using the rental premises as a storage/godown posing as a delivery agent of an online delivery service. It is submitted that the petitioner was not aware that the stolen IMFL was stored inside the premises.

5. The petitioner is a woman and she has already been in custody for 15 days.

6. I have considered the submissions that the petitioner is willing to cooperate with the remaining part of the investigation. The petitioner is a local resident and she is not a flight risk.

7. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Bongaigaon under the conditions that:

(i) The petitioner shall co-operate with the remaining part of the investigation,

(ii) The petitioner shall refrain from such activities with which she is alleged, and

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

8. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

JUDGE

Comparing Assistant