

GAHC010176112024



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

Case No. : AB/2266/2024

SYEDA JEMINA YEASMIN @ JEMINA YEASMIN
D/O MIJANUR RAHMAN
RESIDENT OF RANGIA WARD NO. 3, PS AND PO RANGIA, DIST KAMRUP
ASSAM

2: MIJANUR RAHMAN
S/O LATE KHALILAR RAHMAN
RESIDENT OF RANGIA WARD NO. 3
PS AND PO RANGIA
DIST KAMRUP ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : B. D. KAKATI, S. J. SAHARIAH, MR. D SARMAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

30.08.2024

Heard Mr. D Sarmah, learned counsel for the petitioners as well as Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by

the petitioners, namely, (1) Syeda Jemina Yeasmin @ Jemina Yeasmin; and (2) Mijanur Rahman, for pre-arrest bail in connection with Rangia P.S. Case No. 212/2024 under sections 127(2)/131/115(2)/118(2)/74/3(5) of the BNS, 2023.

The petitioner no. 1 is the wife and the petitioner no. 2 is the father-in-law of the informant.

On 29.07.2024, Sahista Taskin, the sister of the petitioner no. 1 had lodged an FIR before the Police alleging that her sister Jemina Yeasmin was physically and mentally harassed by her husband. Thereafter, on the same day, the said husband namely Injamul Hoque lodged an FIR before Police alleging that his wife Jemina Yeasmin had taken gold ornaments and cash amount of Rs.3,50,000/- with her. Therefore, when he went to the house of his wife, there they had a quarrel. It is also alleged that her brothers attacked him with sharp weapons.

I have considered the submission made by the learned counsel of both sides. It appears that this is a dispute between the husband and wife. Therefore, under the given circumstances of the case, the petitioners do not deserve to be detained in custody. Hence, their pre-arrest bail is allowed.

Accordingly, it is directed that in the event of arrest of the petitioners, namely, (1) Syeda Jemina Yeasmin @ Jemina Yeasmin; and (2) Mijanur Rahman, in connection with Rangia P.S. Case No. 212/2024 under sections 127(2)/131/115(2)/118(2)/74/3(5) of the BNS, 2023, the arresting authority shall release them on bail of Rs.20,000/- each with one surety of like amount to the satisfaction of the arresting authority.

The petitioners are directed to appear before the Investigating Officer within next 10 (ten) days and shall cooperate with the investigation as and when required.

The bail application is disposed of.

JUDGE

Comparing Assistant