

GAHC010176762024



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

Case No. : AB/2295/2024

REJABUL HOQUE
S/O LATE ABU BAKKAR SIDDIQUE
VILL-BTABARI, P.S. BAGUAN
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, TO THE GOVT. OF ASSAM

Advocate for the Petitioner : MR. A M KHAN, MR T T MONI, MR S PRODHANI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.09.2024

1. Heard learned counsel Mr. A. M. Khan for the petitioner Rejabul Hoque.
2. The petitioner has filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with

Baguan P. S. Case No. 74/2023 under Sections 302/34 of the IPC.

3. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioner is that he along with his family members have committed murder of the victim who was the petitioner's wife.
5. Learned Additional Public Prosecutor has submitted that the post-mortem report reveals that death was due to the result of asphyxia, due to ante mortem hanging. It is also submitted that although this is a case of suicide, yet it cannot be ruled out that this case falls under Section 306 of the IPC.
6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the case diary against the petitioner.
7. The submission of the learned counsel for the petitioner that this is not a case of murder cannot be accepted to grant the privilege of anticipatory bail to the petitioner at this stage of investigation.
8. At this juncture, the merits of the case are not brought to the fore. However, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Hence, Petition stands rejected at this stage.
9. Send back the Case Diary.

JUDGE

Comparing Assistant