

GAHC010188352024



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

Case No. : AB/2438/2024

MOGRAB ALI
S/O GUTU SHEIKH
R/O VILL- SOTO BORJANA
LATIBARI PT.II
P.S. ABHAYAPURI
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN, N. UDDIN, MR. S M RAHMAN, MS. P AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 23-10-2024

1. Heard Mr. HRA Choudhury, the learned senior counsel assisted by Ms. R.

Dey appearing for the petitioner. Also heard Mr. R.J. Barua, the learned Additional Public Prosecutor for the State of Assam.

2. This is a petition under Section 482 of BNSS, 2023 praying for pre-arrest bail to the petitioner in connection with Jogighopa PS Case No. 142/2024 u/s 103 of BNS, 2023.

3. The 53 year old deceased Abdul Malek was sleeping with his wife. At midnight the wife started to scream. The son of the deceased and his wife went to the bedroom of the deceased to discover that Abdul Malek had already died.

4. The mother of the deceased Abdul Malek lodged an FIR before the police alleging that her son Abdul Malek was strangled by some unknown person because there is a clear mark in his neck. The mother of the deceased suspected that the present petitioner may have killed the deceased because he often used to visit the house of the deceased.

5. The post-mortem report shows some marks in his neck but the cause of death was stated to be due to syncope as a result of coronary insufficiency. The doctor also reported that injuries were ante mortem and caused by blunt impact.

6. The wife of the deceased has already been arrested by police.

7. Mr. Choudhury has submitted that the present petitioner is a neighbour and for that reason he used to visit the house of the deceased.

8. I have considered the submissions made by the learned counsel for both sides. This Court is of the opinion that at this stage there is no sufficient material against the petitioner to justify his detention to the custody. Therefore, the prayer for pre-arrest bail of the petitioner is allowed.

9. It is hereby directed that in the event of arrest of in connection with Jogighopa P.S. Case No. 142 of 2024 the petitioner Mograb Ali shall be released on bail of Rs. 25,000/- with surety of like amount to the satisfaction of the arresting authority. The petitioner shall appear before the Investigating Officer within 10 days from today.

10. With the aforesaid observations, the bail petition is disposed of.

11. Case Diary shall be returned.

JUDGE

Comparing Assistant