

GAHC010193142024



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

Case No. : AB/2528/2024

NAJRUL ISLAM AND 2 ORS
S/O LATE JUSHON ALI
VILL- BULLUT
P.O. KHOPONIKUCHI
P.S.HAJO
DIST.KAMRUP, ASSAM

2: JAHANARA BEGUM
W/O NAJRUL ISLAM
VILL- BULLUT
P.O. KHOPONIKUCHI
P.S.HAJO
DIST.KAMRUP
ASSAM

3: MAKIBUL ISLAM
S/O NAJRUL ISLAM
VILL- BULLUT
P.O. KHOPONIKUCHI
P.S.HAJO
DIST.KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR Z RAHMAN, MR. S I BORA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 05.11.2024

Heard Mr. S.I. Bora, learned counsel appearing for the petitioners as well as Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of Hajo P.S. Case No. 296/2024.

3. The deceased/woman was married to Mohibul Hussain, who live in the State of Tripura in connection with his work. The deceased used to reside in her native village. She was five months pregnant. It was alleged by the elder brother of the deceased that the family members of Mohibul Hussain physically harassed the deceased. It is further alleged that they even tried to cause damage to her pregnancy. The informant has alleged that on 13.08.2024, the family members of Mohibul Hussain had killed his sister and kept her body hanging.

4. Mr. Baruah also submitted that in the post mortem report, it is mentioned that the deceased had non-continuous ligature mark on her leg. However, the cause of death has been kept pending and her viscera has been sent to the FSL.

5. The CD reveals that the family members had demanded that the deceased should work in their house also. This allegation is primarily against the person called Saiful. Apart from that, there are no materials against the present petitioners to justify their detention in custody

6. I have considered the submissions made by the learned counsels of both sides.

7. Considering all those facts, the pre-arrest bail application is allowed.

8. It is hereby directed that in the event of arrest in connection with Hajo P.S. Case No. 296/2024., the petitioners, namely, 1. Najrul Islam, 2. Jahanara Begum and 3. Makibul Islam shall be released on bail of Rs.25,000/- each with a surety of like amount to the satisfaction of the arresting authority.

9. All the three petitioners are directed to appear before the Investigating Officer within next 7 (seven) days from today.
10. With the aforesaid directions, the bail application stands disposed of
CD shall be returned.

JUDGE

Comparing Assistant