

GAHC010197662024



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

Case No. : AB/2561/2024

JAHIRUL ISLAM
S/O LATE ANSAR ALI
R/O SUKHATI KHATA (BALABARI)
P.S. GAURIPUR
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. S RANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 29.10.2024

Heard Mr.S. Munir, learned counsel appearing for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor appearing for the state of Assam.

2. This is an application under Section 482 of the BNSS, 2023, whereby the petitioner, Jahirul Islam @ Lambu has prayed for grant of pre-arrest bail in respect of Gauripur P.S. Case

No. 229/2024.

3. The informant has alleged that on 01.08.2024 at about 12 noon, his son Sahebul Hoque, aged about 31 years had gone to the house of Sabed Ali, but he did not reach home at night. His mobile phone was found switched off. His family members searched for him, but could not find him. Next day at about 2.30 PM, the dead body of Sahebul Hoque was found floating in the river Gadadhar. In the postmortem report, it is revealed that the deceased died due to drowning.

4. The case diary reveals that the petitioner was maintaining an illicit relationship with the wife of Sabed Ali. On that issue, Sabed Ali called him to his house. Some other persons were also there. All of them assaulted Sahebul Hoque. Sahebul Hoque fled from the house of Sabed Ali and thereafter, his dead body was recovered.

5. From the statements of the witnesses, it appears that the deceased jumped into the river just to escape from Sabed Ali and others. Apart from that, police could not collect any incriminating materials against the present petitioner.

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

7. This Court is of the opinion that the petitioner deserves to be given protection under Section 482 of the BNSS,2023. Therefore, his bail application is allowed.

8. It is hereby directed that in the event of arrest in connection with Gauripur P.S. Case No. 229/2024, the petitioner, Jahirul Islam @ Lambu shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the arresting authority.

9. The petitioner is directed to co-operate with the Investigating Officer as and when called for.

10. With the aforesaid direction, the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant