

GAHC010213942024



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

Case No. : Bail Appln./3171/2024

MONOWARA KHATUN
W/O LATE ABDUL MALEK, R/O VILL- CHOTO BORJANA, P.S.-JOGIGHOPA,
DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A K AZAD, MR. I HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

28.10.2024

Heard Mr. A K Azad, learned counsel for the petitioner and Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS, 2023 by the petitioner, namely, Monowara Khatun, praying for release on bail, who was arrested in connection with Jogighopa P.S. Case No. 142/2024.

On the day of occurrence, the son of the informant Abdul Malek was sleeping. At midnight, his wife came to know that something had happened to her husband. Therefore, she raised alarm and, thereafter, when her grandson and daughter-in-law went there then they discovered that Abdul Malek had already died.

The mother of the deceased had lodged the FIR alleging the aforesaid facts.

The informant has alleged that she suspected a person called Mograb Ali, who might have pressed the neck of her son and therefore caused his death.

The present petitioner is the wife of the deceased.

The Post Mortem Report shows that the deceased died because of syncope as a result of coronary insufficiency.

Mr. Baruah has further pointed out that there are some marks of hands on the neck of the deceased.

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

The petitioner has already undergone 34 days in judicial custody. Hence, she does not deserve to be detained in custody for further period of time. Therefore, the bail application is allowed.

Accordingly, it is directed that the petitioner Monowara Khatun, who was arrested in connection with Jogighopa P.S. Case No. 142/2024, shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Judicial Magistrate 1st Class, North Salmara, Abhayapuri.

The bail application is disposed of.

Case Diary shall be returned.

JUDGE

Comparing Assistant