

GAHC010215052024



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

Case No. : AB/2746/2024

TULBAR ALI @ TULABAR ALI AND 5 ORS
S/O LT. MALDAR ALI, VILL- KACHUAGAON PT-II, P.S.-BILASIPARA, DIST-
DHUBRI, ASSAM

2: MAFIJUL HOQUE
S/O SAYED ALI
VILL- GOBARDHONPARA
P.S.-BILASIPARA
DIST- DHUBRI
ASSAM

3: TAZIMA KHATUN @ TAZIMA BEGUM
D/O TULAPADDI ALI
VILL- KACHUAGAON PT-II
P.S.-BILASIPARA
DIST-DHUBRI
ASSAM

4: ABED ALI
S/O OMED ALI
VILL- KACHUAGAON PT-II
P.S.-BILASIPARA
DIST-DHUBRI
ASSAM

5: HAFIJUL ALI
S/O TULAPADDI ALI
VILL- KACHUAGAON PT-II
P.S.-BILASIPARA
DIST-DHUBRI
ASSAM

6: MAINUL HOQUE
S/O SANIYA SK.

VILL- KACHUAGAON PT-II
P.S.-BILASIPARA
DIST-DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

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

Advocate for the Respondent : PP, ASSAM, MS N HASSAN (INFORMANT), MS F INTAZ (INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 07.11.2024

Heard Mr.HRA Choudhury, learned Sr. Counsel assisted by M.I. Hussain, learned counsel appearing for the petitioners. Also heard Mr. R.J. Baruah, learned Additional P.P. for the State of Assam and Ms. F. Intaz, learned counsel appearing for the informant.

2. This is an application under Section 482 of the BNSS, 2023 in respect of Bilasipara P.S. Case No. 197/2024.

3. Late Rahman Ali was the husband of Tazima khatun. She lived in her village, whereas, the deceased used to work at Guwahati. He came to know that his wife was maintaining an illicit relationship with another person of the village. Therefore, he came home and discovered that his wife was in the house of her father. Therefore, he went to his father-in-law's house to talk with his wife, where he found that his wife was suffering from some ailments. Therefore, he alongwith other family members took his wife to the hospital. After medical checkup the wife was discharged and they all reached home. Later on the dead body of the deceased was found hanging from a tree.

4. Thereafter, Md. Surat Jamal Sk, the brother of the deceased had lodged an FIR before police alleging that the wife of the deceased and his family members had killed the deceased and kept the dead body hanging from the tree.

5. It may be mentioned that Tulladi Ali, the father-in-law of the deceased, was arrested by police and after 66 days of detention in custody, he was released on bail on the basis of the materials available in the case diary.

6. Today, Mr Baruah has objected to this bail application because according to Mr. Baruah, the investigation of the case is still going on. Mr. Baruah further submits that the present petitioner was present with the deceased while they were returning to hospital.

7. Ms. F. Intaz has also objected to this bail application on the same ground.

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

9. This Court is of the opinion that at this stage, there are no such incriminating materials against the petitioners in the case diary. Therefore, the present petitioners do not deserve to be detained in custody. Therefore, their pre-arrest bail application is allowed.

10. It is hereby directed that in the event of arrest in connection with Bilasipara P.S. Case No. 197/2024, the petitioners, 1. Tulbar Ali @ Tulabar Ali, 2. Mafijul Hoque, 3. Tazima Khatun @ Tazima Begum, 4. Abed Ali, 5. Hafijul Ali and 6. Mainul Hoque shall be released on bail of Rs.20,000/- each with a surety of like amount to the satisfaction of the arresting authority.

11. All the petitioners shall appear before the Investigating Officer within next 10 (ten) days from today.

12. With the aforesaid directions, the bail application stands disposed of
CD shall be returned.

JUDGE

Comparing Assistant