

GAHC010215062024



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

Case No. : Bail Appln./3148/2024

TULLDDI ALI @ TULLADI ALI @ KULLADI
S/O LT. MALDAR ALI, VILL- KACHUAGAON PT-II, P.S.-BILASIPARA, DIST-
DHUBRI, ASSAM

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,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

21.10.2024

Heard the learned senior counsel Mr. HRA Choudhury assisted by learned counsel Mr. M.I. Hussain appearing for the petitioner. Also heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant of regular

bail to the petitioner, namely- Tulddi Ali @ Tulladi Ali @ Kulladi who was arrested on 17.08.2024 in connection with Bilasipara P.S. Case No.197/2024 under Sections 103/3(5) of BNS, 2023.

3. It is alleged in the FIR that the deceased and his wife was informed that his father-in-law (the present petitioner) was suffering from certain ailments. Therefore, the deceased and his wife came to the house of the present petitioner. After that, they did not return home. His relatives made phone calls to him. Next day, the dead body of the deceased was found hanging from a tree. The informant is the elder brother of the deceased who alleged that the petitioner being the father-in-law of the deceased and his other family members including the wife of the deceased have killed him (the deceased).

4. Case diary reveals that while working at Guwahati, the deceased came to know that his wife was maintaining illicit relationship with another man. Therefore, he came home and at that time learnt that his wife was sitting in the house of her father. So, the deceased went there and found that his wife was suffering from certain ailments. Therefore, he took his wife to the hospital along with other family members. After medical checkup, the wife was released from hospital. Thereafter, the deceased did not reach home and his dead body was later on discovered.

5. From the record, it reveals that before filing of the said FIR, on 11.08.2024, the wife of the deceased had lodged an FIR before police against the person called Rashidul Hoque, alleging that he was continuously trying to have illicit relationship with her.

6. Mr. Choudhury has submitted that on the basis of the said FIR, said Rashidul Hoque was already arrested by police. Apart from the aforesaid facts, there are no other materials against the present petitioner. He has already spent 66 days in custody. This Court is of the opinion that the petitioner does not deserve to be detained in custody for any further period of time. His bail application is allowed.

7. It is hereby directed that the petitioner, namely- Tulddi Ali @ Tulladi Ali @ Kulladi who was arrested on 17.08.2024 in connection with Bilasipara P.S. Case No.197/2024 under Sections 103/3(5) of BNS, 2023, is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Bilasipara.

The bail application is disposed of accordingly.
The case diary shall be returned.

JUDGE

Comparing Assistant