

GAHC010216112024



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

Case No. : AB/2766/2024

ALIZA AKHTARA
D/O OMAR FARUQUE, VILL- KALIADINGA, P.S.-JURIA, DIST- NAGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR. M ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13.11.2024

Heard Mr. N. Uddin, learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional P.P. for the state/respondent.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioner, Aliza Akhtara in respect of Juria P.S. Case No. 293/2024.

3. The petitioner, Aliza Akhtara was earlier married to Shahajan Ali. After their divorce, the petitioner married Sofikul Islam. Shahajan Ali was unhappy about their marriage. The informant, Abdul Hashim, the brother of Sofikul Islam has alleged in the FIR, that Shajahan Ali as well as the present petitioner, Aliza Akhtara and six other persons had killed Sofikul Islam on 11.09.2024.
4. Mr. Uddin submits that on the day of occurrence, Aliza Akhtara was not present in the house. Rather, she was present in the house of her sister.
5. Mr. Uddin has submitted that the petitioner has been unnecessarily implicated in this case.
6. Mr. Kaushik submits that Shahajan Ali was arrested by police and he had confessed before police that he had killed Sofikul Islam. Apart from the aforesaid fact, there are no sufficient materials in the case diary to justify the detention of the present petitioner, Aliza Akhtara in custody.
7. I have considered the submissions made by the learned counsels of both sides.
8. This Court is of the opinion that the petitioner does not deserve to be detained in custody. Therefore, her pre-arrest bail application is allowed.
9. It is hereby directed that in the event of arrest in connection with Juria P.S. Case No. 293/2024, the petitioner, Aliza Akhtara shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of the arresting authority.
10. The petitioner shall appear before the Investigating Officer within next 10 (ten) days from today.
11. With the aforesaid direction, the bail application stands disposed of
CD shall be returned.

JUDGE

Comparing Assistant