

GAHC010218072024



undefined

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

Case No. : Bail Appln./3205/2024

MURTAJUL ALI @ MD MURTAJ ALI @ MD MUKSIDUL
S/O MD. ISHAB ALI
VILL-SIDHAGURI, MAYANG,
MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. J AHMED, MS A HUSSAIN,R BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 14.11.2024

Heard Mr. J. Ahmed, the learned counsel appearing for the petitioner and Mr.RJ. Baruah, learned Additional P.P. for the State of Assam.

2. This is an application filed under Section 483 of BNSS, 2023 in respect of Sessions Case No. 161/2024 corresponding to Mayong PS Case No. 78/2024
3. The wife of the petitioner lodged an FIR before police alleging that the petitioner used

to demand dowry from her and he used to beat her. In the FIR, it is specifically mentioned that on 05.08.2024, she was beaten up and he had applied chilly powder in her private parts.

4. The petitioner was arrested immediately on 07.08.2024 and within a period of 90 days the charge sheet was filed against the present petitioner.

5. Mr. Ahmed has submitted that the couple has two minor children and the petitioner is worried about his children. According to Mr. Ahmed, there was a quarrel between the husband and wife and there is always a possibility that there may be a patch up between themselves.

6. Mr. Baruah has submitted that since charge sheet has been filed, the bail application of the petitioner should not be considered at this stage.

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

8. This Court is of the opinion that the present petitioner no longer deserves to be detained in custody. Therefore, her bail application is allowed.

9. Accordingly, the petitioner, namely, Murtajul Ali @ Md. Murtaj Ali, who is facing trial in Sessions Case No. 161/2024 pending in the court of the learned Sessions Judge, Morigaon shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Sessions Judge, Morigaon.

10. The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant