

GAHC010220312024



2024:GAU-AS:11557

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

Case No. : Bail Appln./3251/2024

LAL HUSSAIN ALI
S/O RAHIMSA ALI
R/O VILL- ROUMARI
P.S. SUWALKUCHI
DIST. KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR A K AZAD, S HUSSAIN,P ADHIKARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25.11.2024

Heard Mr. A.K. Azad, learned counsel for the petitioner, Lal Hussain Ali, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 06.10.2024 in connection with **Bharalumukh P.S. Case No.180/2024** under Sections 61(2) (a)/103(1)/238(a) of BNS, 2023.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.
3. The allegations against the petitioner is that his second wife had an illicit relationship with the deceased, Toybuddin Ahmed. In order to wreak vengeance against this illicit relationship between his wife and the deceased, the petitioner on 03.10.2024 at about 10.30 p.m mowed down the deceased with his Bolero vehicle, which he was driving. It is submitted on behalf of the petitioner that this is an accident case and a false case has been brought up against the petitioner.
4. The learned Additional Public Prosecutor has raised serious objections stating that there are incriminating materials in the Case Diary against the petitioner.
5. I have also scrutinized the Case Diary. It is seen that there are incriminating materials in the Case Dairy against the petitioner, and investigation is still under progress.
6. I have considered the facts and circumstances of this case. It appears that investigation may be adversely affected if the petitioner is admitted to bail at this juncture. I am not inclined to grant bail to the petitioner, at this stage of investigation.
7. Accordingly, in term of the above, this Bail Application stands rejected at this stage.
8. Send back the Case Diary.

JUDGE

Comparing Assistant