

GAHC010222172024



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

Case No. : Bail Appln./3240/2024

BABUL HOQUE
S/O ATABAR ALI
R/O VILL- KOYAKUCHI PATHAR
P.O. NALIGAON, MOUZA- PAKA BETBARI
PIN-781352

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR, MS S ABDULLAH, MD IMRAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 08/11/2024

Heard Shri S.H. Sikdar, who by means of this application filed under section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), has prayed for granting bail in connection with Barpeta P.S. Case No. 301/2024 registered under sections 304-B/34 of the Indian Penal Code.

Shri Sikdar, learned counsel has submitted that the alleged incident was of 09/06/2024 and in the instant case, a complaint was filed before the learned Magistrate, Barpeta, on 16/07/2024 i.e.

after about 37 days. He has also submitted that as per the information received, the cause of death is hanging. The aspect that the petitioner is in custody for the last 74 days has also been highlighted.

Mr. K.K. Das, learned APP, Assam, on the other hand, has raised serious objection to the prayer for grant of bail. He has submitted that the ingredients of section 304-B of the IPC are met as the death has occurred within 7 years of the marriage and there are ingredients to show that there was demand of dowry. He has also submitted that the death is an un-natural one.

Having considered the rival submission and also taking into consideration the aspect that the petitioner is behind the bars for about 74 days, this Court is of the opinion that no further custodial interrogation would be necessary. Accordingly, the instant application is allowed directing to enlarge the petitioner on bail on furnishing of bail bond of Rs. 20,000/- (Rupees twenty thousand) and a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta.

It is needless to state that the petitioner would continue to render full cooperation in the investigation and thereafter, in the trial which would commence.

Case diary be returned back.

JUDGE

Sukhamay

Comparing Assistant