

GAHC010220312024



2024:GAU-AS:11557

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

Case No. : AB/2893/2024

ANJUMA BEGUM
W/O LAL HUSSAIN ALI
D/O LATE SAMSER ALI
PERMANENT RESIDENT OF VILL- SINGIMARI
ALIKASH
P.O. ROWMARI
P.S. HAJO
DIST. KAMRUP
ASSAM

PIN-781104
PRESENTLY RESIDING AT R/O SANTIPUR PROGOTI ROAD

P.O. BHARALUMUKH
P.S. BHARALUMUKH
DIST. KAMRUP (M)
ASSAM
PIN- 781009

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MS. J PAUL
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 25.11.2024

Heard Ms. J. Paul, learned counsel for the petitioner, Mrs. Anjuma Begum, who have filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as she is apprehending arrest in connection with Bharalumukh Police Station Case No. 180/2024 (G.R. Case No. 5889/24) under Sections 61(2)(a)/103(1)/238(a) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State, who has raised serious objections against the prayer for bail.

3. The allegations against the petitioner is that her husband killed the deceased, Toybuddin Ahmed as the petitioner had an illicit relationship with the deceased, Toybuddin Ahmed.

4. I have also scrutinized the Case Diary. It is true that there is allegation that the petitioner had illicit relationship with the deceased, Toybuddin Ahmed, who was killed by the husband of the petitioner.

5. It is also submitted on behalf of the petitioner that she has been staying separately from her husband, Lal Hussain Ali since 2021 and there can be no conspiracy with her husband. The prime accused, Lal Hussain Ali has subjected to her cruelty and she brought up a case against him, and at present the Court has ordered maintenance order in her favour.

6. I have also considered the submissions that the petitioner is willing to co-operate with the remaining part of the investigation and to abide by any bail

conditions if imposed upon her. It is also submitted that the petitioner is a single mother with a 4 (four) year old son.

7. Considering all aspects the anticipatory bail petition is allowed. In the event of her arrest, the petitioner Mrs. Anjuma Begum is to be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that :

(i) the petitioner shall appear before the Investigating Officer within 1 (one) week and cooperate with the investigation,

(ii) the petitioner shall not tamper with the evidence and influence the witnesses and,

(iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

8. On breach of any of the bail conditions, pre-arrest bail order shall automatically stand cancelled.

9. In terms of the above observation, this Anticipatory Bail application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant