

GAHC010235792024



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

Case No. : Bail Appln./3442/2024

NUR ALOM SK @ SHAHALOM
S/O NAZAL UDDIN SHEKIH,
R/O VILLAGE SUKATIKHATA, P.O. RUPSI, P.S.GAURIPUR, DISTRICT
DHUBRI, ASSAM
VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. MAI HUSSAIN, MR. NOOR KUTUB ALAM

Advocate for the Respondent : PP, ASSAM, MS. B. HAZARIKA (INFORMANT), MS. R. CHOUDHURY (INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 05.12.2024

Heard Mr. MAI Hussain, learned counsel appearing for the petitioner as well as Mr. RR Kaushik, learned Additional Public Prosecutor appearing for the State of Assam. I have also heard Ms. R. Choudhury, learned counsel appearing for the informant.

2. This is an application u/s 483 of the BNSS, 2023, whereby the petitioner, namely, Nur Alom Sk @ Shahalom has prayed to release him on bail, after he was arrested in connection with Gauripur P.S. Case No. 294/2024.

3. The deceased Sarjina Begum aged about 29 years was married to Nur Islam prior to filing of the FIR. Before filing of the FIR by the brother of the said deceased, she herself filed two FIRs

before police alleging that her husband and his relatives physically tortured her. She had further alleged in the FIR that each member of the family had physically harassed her. At that time, on 19.09.2024, Md. Hafizur Rahman, the elder brother of the deceased lady had lodged an FIR before police alleging that on 15.09.2024, the husband of the deceased as well as his parents and other family members including the present petitioner, who is the brother of Nur Islam, had hatched a plan and they all assaulted the deceased by pressing a pillow on her mouth. As a result of which, she died and after that her body was kept inside her house.

4. The medical report shows that the deceased died because of suicidal hanging.
5. The learned counsel for the petitioner submits that the present petitioner resides in a separate house and in the previous FIR that was filed by the deceased, he was not named anywhere.
6. Ms. Choudhury has submitted that the present petitioner was also involved in the said offence of killing of the deceased.
7. Mr. Kaushik submits that some witnesses examined by police have stated that the husband and his family members had physically assaulted the deceased on many occasions.
8. I have considered the submissions made by the learned counsels of both sides.
9. Though there are some elements against the husband and his family members, but there are no specific elements against the present petitioner that he had ever assaulted the deceased.
10. This Court is of the opinion that the case diary does not have sufficient incriminating materials against the present petitioner.
11. Therefore, the bail application of the petitioner is allowed
12. The petitioner, namely, Nur Alom Sk @ Shahalom, who was arrested in connection with Gauripur P.S. Case No. 294/2024, shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri.
13. The bail application stands disposed of accordingly.
The CD shall be returned.

JUDGE

Comparing Assistant