

GAHC010241582023



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

Case No. : AB/3642/2023

ATABUR RAHMAN
S/O ABDUL HELIM
R/O PATUAKATA
P.S. LAHARIGHAT
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 07-02-2024

1. Heard Mr. A Ahmed learned counsel for the applicant and Mr. K.K. Parashar, learned Additional Public Prosecutor, Assam.
2. This is a second bail application filed under section 438 Cr.P.C praying for granting anticipatory bail to the applicant,

Atabur Rahman in connection with Laharighat PS Case No.71/2023 under sections 304(B)/34 IPC.

3. Earlier this court after perusal of the case diary and considering the statement of the neighbours and other witnesses refused to grant the privilege of pre arrest bail to the applicant. Thereafter, the applicant approached this court by filing the present application.

4. This court under its order dated 14.12.2023 granted interim protection to the petitioner and in terms of the aforesaid order the applicant appeared before the investigating officer and recorded his statement.

5. Perused the case diary produced today.

6. The case diary reveals that in the meantime sufficient progress has been made by the investigating authority. The investigating authority obtained the FSL report which reveals absence of poison.

7. On the basis of such FSL report, final opinion has also been given by the Doctor who conducted the post mortem examination upon the body of the victim. The final opinion also suggests that death was due to cardio respiratory failure.

8. Considering the materials available on record and also considering the fact that the petitioner had in the meantime cooperated with the investigation, the interim order passed on 14.12.2023 is made absolute with the following conditions:

I. The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted

with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

II. The applicant would render full cooperation with the investigation of the case; and shall not hamper the investigation and temper with the witnesses of the case.

III. The applicant shall not leave the territorial jurisdiction of the concerned I.O. without prior intimation.

9. The bail application stands disposed of.

10. Return the case diary.

JUDGE

Comparing Assistant