

GAHC010250712023



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

Case No. : AB/3772/2023

MOIMONA KHATUN
W/O- TAIJUDDIN ALI, R/O- BARPETA, MAZBIA, P.S. BARPETA, DISTRICT-
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
THROUGH PUBLIC PROSECUTOR

Advocate for the Petitioner : MR P UPADHYAY, MR A UPADHYAY
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

29.08.2024

Heard Mr. P. Upadhyay, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

2. This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Moimona Khatun**, apprehending her arrest in connection with **Hajo P.S. Case No. 551/2023** registered u/s **325/307/294/506/34** of the IPC.

3. The Case diary, as called for, is placed before the Court.

4. According to learned counsel for the petitioner as per direction of this Court, the petitioner has appeared before the IO and her statement was also recorded.
5. On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor has produced the case diary and submitted that though the case was registered under Section 307 IPC along with some other sections but subsequently, it is reported that one of the injured Ambia Khatun expired during treatment and Section 302 was added in the case and he vehemently opposed in granting bail to the petitioner.
6. I have considered the submission and perused the case diary including the post-mortem report which reveals that death was due to coma as a result of head injuries. As it appears from the statement of the witnesses that the deceased sustained injuries on her head due to assault hurled by the petitioner along with other co-accused.
7. In view of above, prayer for bail of the petitioner stands rejected.
8. The interim protection granted to the petitioner vide order dated 10.11.2023 stands vacated.
9. Return the case diary.
10. This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant