

GAHC010262032024



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

Case No. : Bail Appln./3752/2024

LAL HUSSAIN ALI
S/O RAHIMSA ALI
RESIDENT OF ROWMARI, PS SUALKUCHI, DIST KAMRUP ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. N MAHAJAN, MR. D BORA, MR. P K DAS, MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.12.2024

1. Heard Mr. A. Chaudhury, learned counsel for the petitioner, Lal Hussain Ali, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 06.10.2024 in

connection with Bharalumukh P.S. Case No.180/2024 under Sections 61(2)(a)/103(1)/238(a) of BNS, 2023.

2. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegations against the petitioner is that his second wife had an illicit relationship with the deceased, Toybuddin Ahmed. In order to wreak vengeance against this illicit relationship between his wife and the deceased, the petitioner on 03.10.2024 at about 10.30 p.m mowed down the deceased with his Bolero vehicle, which he was driving. It is submitted on behalf of the petitioner that this is an accident case and a false case has been brought up against the petitioner.

4. The learned Additional Public Prosecutor has raised serious objections stating that there are incriminating materials in the Case Diary against the petitioner.

5. Earlier, the petitioner's prayer for bail was rejected. The petitioner has filed this application on change in circumstances. The petitioner is the sole bread winner of his family and his family is suffering immensely as he is behind bars. He has 3 minor children.

6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.

7. It is submitted that the petitioner is willing to cooperate with the remaining part of investigation. Case Diary also reveals that investigation has progressed substantially.
8. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail of Rs. Rs. 50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup, (M) under the conditions that:
- (i) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation, and
 - (ii) The petitioner shall not leave the jurisdiction of the Court without permission.
9. On breach of any of the bail conditions, the Elaka Magistrate/Jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioner.
10. In terms of the above observation, anticipatory application stands disposed of.
11. Send back the Case Diary.

JUDGE

Comparing Assistant