

GAHC010278502023



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

Case No. : Bail Appln./4498/2023

SHAHANUR ISLAM
S/O MEHER ALI
VILL- CHAKIRVHITA (CHAKIRBHITA)
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

30.01.2024

1. Heard Mr. M.A. Ahmed, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Addl. P.P. for the State respondent.
2. This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioner, **Shahanur Islam**, who was arrested on 07.01.2024 in connection with **Barpeta P.S. Case No. 553/2023**, registered under Sections **341/326A/34 IPC**.
3. The case of the prosecution in brief is that about one year back, the accused no. 1, Rafijul Islam had love relation with the minor daughter aged 17 years and on 19.11.2023, at about 8.00 P.M. the accused No. 1 and accused no. 2 i.e. Abdul Rahman came with four-wheeler vehicle and they tried to kidnap the informant's daughters by wrongfully restraining them and while they obstructed, the accused persons kidnap the girls for which they sustained grievous injury. Accordingly, a case has been registered.
4. Mr. M. A. Ahmed, learned counsel for the petitioner submits that the accused/petitioner is not named in the FIR and he has not connected with the offence. He further submits that he has no knowledge about the accused no. 1 and the victim girl. He further submits that on the date of occurrence i.e. on 19.11.2023, a function was going on near the place of occurrence and the accused/petitioner was present there. At about 8.00 P.M. in the evening, while

the petitioner/accused returning home from the said programme, the accused No. 1 through liquid (Acid) towards said victim and her sister. He further submits that the present petitioner tried to save the victim girls as well as the accused No. 1 and his cloth were also burn due to chemical reactions. He further submits that in the meantime, the victim girl passed away while undergoing treatment. He further submits that before her death, she had given her statement and the said dying declaration indicates that she has said two boys out of which, she has named as the accused no. 1 came in a scooter and threw acid on her.

5. Ms. A. Begum, learned Addl. P.P. submits that on the basis of the materials available in the case diary that there are statements of witnesses who has stated that the accused/petitioner along with accused no. 1 has come in a scooter and threw acid on the two girls.

6. I have heard the submissions at the Bar and perused the materials available on record. The allegations are grave and serious. Further considering the manner in which the accused/petitioner has thrown the acid on the victim girl for which she ultimately passed away and the fact that there are materials available on record to implicate the accused/petitioner for the offence alleged, this Court is not inclined to grant bail to the petitioner. Accordingly, the bail application stands rejected.

8. This disposes of the bail application.

Send back the case diary.

JUDGE

Comparing Assistant