

GAHC010281262023



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

Case No. : Bail Appln./4546/2023

FULAR UDDIN
S/O USMAN ALI
R/O VILL- LUNGJHAR
P.O. BIJNI
P.S. MANIKPUR,
DIST. BONGAIGAON, ASSAM,
PIN-783392

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

29.01.2024

Heard Mr. P. Mahanta, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. Public Prosecutor, appearing for the State of Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for granting of regular bail to the accused / petitioner, namely, Fular

Uddin, who was arrested on 18.11.2023 in connection with Manikpur P.S. Case No. 211/2023 registered under Section 306 IPC.

The brief facts of the prosecution is that the informant's sister and the accused person who were in love since last two years, had eloped with the accused / petitioner about 6 months ago. Thereafter, she was recovered. However later on, again she had gone out from her house and not returned back. On 17.11.2023, the informant came to know that his sister had committed suicide at the house of the accused by hanging herself. Accordingly the case was registered.

Mr. Mahanta, the learned counsel for the petitioner submits that the deceased and the accused / petitioner were in love and that apart the accused / petitioner has nothing to do in the offence alleged. He further submits that the accused petitioner is languishing in jail since last 71 days.

Mr. D. Das, learned Addl. Public Prosecutor, Assam, on the other hand opposes the prayer for bail. He submits that the investigation has progressed substantially.

I have heard the submissions made at the bar. It appears from the materials available on record that the deceased was found on the ground dead in the house of the accused / petitioner. It further appears from the inquest report that there are ligature marks in the neck of the deceased. There appear no other adverse materials against the accused. Further, the Investigating Officer has not reported anything adverse against the antecedent of the petitioner.

Considering the progress of the investigation and the length of detention, this Court is inclined to grant bail to the petitioner.

For the aforesaid reasons, the petitioner, namely, Fular Uddin is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand) with one surety of the like amount to the satisfaction of learned Chief Judicial Magistrate, Bongaigaon subject to the following conditions.

- (i) That the petitioner shall cooperate with the investigation.
- (ii) That the petitioner shall appear before the learned Trial Court as and when so required by the said Court;
- (iii) The petitioner shall not leave the territorial jurisdiction of the trial court without leave;
- (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer.

With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant