

GAHC010282272023



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

Case No. : AB/4200/2023

SAIDUR RAHMAN
S/O JAMSED ALI
R/ LANKAJAN DARJISIT
P.S. HOJAI
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : M U BARBHUYAN

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.01.2024

This is an application under Section 438 of the CrPC in respect of Lanka Police Station Case No.523/2023, registered under Sections

120B/302 of the Indian Penal Code (corresponding to G.R. Case No.1992/2023).

I have heard the learned counsel Mr. FKR Ahmed appearing for the petitioner. Also heard Mr. K.K. Das, the learned Addl. Public Prosecutor representing the State of Assam.

Musstt. Jamina Begum was married to the petitioner about 14 years ago. The couple has four children. During the subsistence of her marriage with Saidur Rahman (the present petitioner), his wife Jamina Begum developed relationship with Ashim Uddin and she fled with him leaving behind her children and earlier husband. Jamina Begum started to live with Ashim Uddin. Thereafter, she had disputes with Ashim Uddin. Therefore, she came back to her father's house. Within a couple of days, the dead body of Jamina Begum was discovered outside her father's house.

The witnesses examined by police have stated that Ashim Uddin or the present petitioner Saidur Rahman might be involved in the said act of killing. Apart from that, there are no other materials against the petitioner Saidur Rahman.

This Court is of the opinion that under the given facts and circumstances of the case, the post-mortem report has become irrelevant.

For the aforesaid reasons, the pre-arrest bail application of the petitioner is allowed.

It is hereby directed that in the event of arrest in connection with

Lanka Police Station Case No.523/2023, registered under Sections 120B/302 of the Indian Penal Code (corresponding to G.R. Case No.1992/2023), the petitioner Saidur Rahman shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the arresting authority. The petitioner is also directed to appear before the Investigating Officer and to co-operate with police investigation as and when called for by the Investigating Officer.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant