GAHC010167612020

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

Case No. : AB/3407/2020

WAHIDUR ALOM SK @ UNGLA AND 5 ORS
S/O ABDUS SAMAD SK, R/O GERAMARI PART-I (MURALIGHAT), P.S.-GOURIPUR, DIST-DHUBRI, ASSAM

2: ABDUS SAMAD SHEIKH
S/O LATE TAMIZ UDDIN SK.
R/O GERAMARI PART-I (MURALIGHAT)
P.S.-GOURIPUR
DIST-DHUBRI
ASSAM

3: WAHIDA BIBI
W/O ABDUS SAMAD SK
R/O GERAMARI PART-I (MURALIGHAT)
P.S.-GOURIPUR
DIST-DHUBRI
ASSAM

4: AFRUZ ALOM SK. @ PRINCE
S/O ABDUS SAMAD SK
R/O GERAMARI PART-I (MURALIGHAT)
P.S.-GOURIPUR
DIST-DHUBRI
ASSAM

5: ASHRADUL ALOM SK. @ PINTU
S/O ABDUS SAMAD SK
R/O GERAMARI PART-I (MURALIGHAT)
P.S.-GOURIPUR
DIST-DHUBRI
ASSAM

6: SHAHIDUR ALOM SHEIKH @ ANISUR
S/O ABDUS SAMAD SK

R/O GERAMARI PART-I (MURALIGHAT)
P.S.-GOURIPUR
DIST-DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

18-12-2020.

By filing this petition under Section 438 of the CrPC, the six petitioners namely Wahidur Alom Sk. @ Ungla, Abdus Samad Sheikh, Wahida Bibi, Afruz Alom Sk. @ Prince, Ashradul Alom Sk. @ Pintu and Shahidur Alom Sheikh @ Anisur have sought for pre-arrest bail in connection with the Gauripur P.S. Case No.1123/2020, under Section 498(A)/494/354(A)/376(D)/511/325/307 of the IPC.

Heard learned counsel for both sides and perused the record.

As per the allegation, the informant herein was married to the accused/ petitioner No.1 far back in the year 2011 and she has stated about certain dowry demand etc. and also the fact that she was driven away from the matrimonial house in the year 2013 but there is no mention of specific time as to when she again returned to the matrimonial home. Although she has raised serious allegations against all the accused persons including her husband in the present FIR that they tried to kill her by severely assaulting her coupled with the allegation of attempt to committing rape by one of the accused/brother-in-law but there is no supporting evidence to her statement recorded.

Referring to the statement of the neighbouring residents', the learned Addl. P.P., Assam, Mr. RJ Baruah submits that there is no such incident as alleged and stated that the accused petitioners are of good

reputation in the society.

Considering all entirety, where the statement of the victim herself is not convincing one, this Court is of the opinion that custodial detention of the accused/petitioners are not warranted.

Accordingly each of the accused/petitioners named above are allowed to go on pre-arrest bail of Rs.10,000/-, with one surety of like amount, in the event of their arrest by the arresting officer in connection with the Gauripur P.S. Case No.1123/2020, with further direction to the petitioners to appear before the I.O., within fifteen days from today and they will cooperate with investigation of the case.

The bail petition stands disposed of.

Return back the case diary.

JUDGE

Comparing Assistant