GAHC010176842020

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

Case No. : Bail Appln./2758/2020

MOSTOFA AKOND @ MUSTAFA AHMED
S/O- FOZLUR RAHMAN AKOND, VILL- BHIMAPARA, HATSINGIMARI, P.O. HATSINGIMARI, P.S. SOUTH SALMARA, DIST.- SOUTH SALMARA MANKACHAR, ASSAM, PIN- 783135

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : PP, ASSAM

Linked Case : Bail Appln./2680/2020

JESMIN NURI BHUYAN @ JESMINA NURI BHUYAN AND 3 ORS.
W/O JOINAL ABEDIN BHUYAN
R/O VILL-HATSINGIMARI
P.O.-HATSINGIMARI
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

2: ABEDIN JOYNAL BHUYAN
S/O LATE MOHIRUDDIN BHUYAN

R/O VILL-HATSINGIMARI
P.O.-HATSINGIMARI
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

3: BOSIRUL HOQUE
S/O LATE ABDUL MOZID
R/O VILL-JUNGLE CHARI ALI
P.O.-KALAPANI
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSAM

4: KHAIRUL BASAR
S/O CHAND MIYA
R/O VILL-JUNGLE CHARI ALI
P.O.-KALAPANI
P.S.-MANKACHAR
DIST-SOUTH SALMARA MANKACHAR
ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MS. M BARMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 21-12-2020

Both the applications are taken up together as it relates to the same case.

By these applications under Section 439 CrPC, petitioners, namely, Jesmin Nuri Bhuyan @ Jesmina Nuri Bhuyan, Abedin Joynal Bhuyan, Bosirul Hoque, Khairul Basar and Mostofa Akond @ Mustafa Ahmed, who were arrested on 07.11.2020 and 11.11.2020 respectively, have prayed for granting them regular bail, in connection with South Salmara PS Case No. 345/2020 (GR No.

1043/2020), under Sections 120 (B)/302/34 IPC.

Heard the learned counsel for both the sides.

Also perused the record and the Case Diary.

The informant, herein, is the wife of the deceased, who has alleged that because of illicit relation of her husband/deceased with one Jesmin Nuri Bhuyan, wife of Abedin Joynal Bhuyan, who called her husband to their house, had committed the murder and thrown his body thereafter, but presently, the Case Diary that has been received today, has revealed otherwise. The son of the informant, Sahil Ahmed, who is a 14 year old boy, has narrated the actual story in his statement recorded under Section 164 CrPC, wherein, he has revealed that it was his mother, Asma Khatun, associated with other accused persons, namely, Zakir, Nur Abedin Sk, Rupchand (sister) and Zubair (brother), who killed his father/deceased in a pre-planned manner and subsequently, the present FIR has been filed by his mother.

As it appears because of the strained relation with her husband with the alleged illicit relationship with Jesmin Nuri Bhuyan, she decided to kill her husband and accordingly, he has been killed and now, she has filed the FIR, blaiming the said woman and her family.

After going through all the materials in the Case Diary, it appears that the petitioners have been projected falsely in the present case and their further detention is not necessary.

Accordingly, each of the accused petitioners, aforesaid, is hereby allowed to go on bail of Rs. 20,000.00 each, with one surety each, of the like amount, to the satisfaction of learned SDJM, Hatsingimari.

Bail Application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant