GAHC010181262026

2026:GAU-AS:15065

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

Case No. : AB/2015/2026

RINA BEGUM AND 2 ORS.
D/O NUR MAHAMMAD, VILLAGE JAPIA, P.S. HAJO, P.O. JAPIA, PIN-781382,
DISTRICT KAMRUP, ASSAM.

2: RIYA BEGUM
W/O NUR MAHAMMAD
VILLAGE JAPIA
P.S. HAJO
P.O. JAPIA
PIN-781382
DISTRICT KAMRUP
ASSAM.

3: NUR MAHAMMAD ALI
S/O MAHARUM ALI
R/O VILL- JAPIA
P.S. HAJO
P.O. JAPIA
PIN-781382
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. J K ROY, MR. K D ROY

Advocate for the Respondent : PP, ASSAM, MR M AHMED(INFORMANT),MR. A S TAPADER(INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 07.10.2026

Heard Mr. J. K. Roy, the learned counsel for the petitioners and Mr. D. P. Goswami, the learned Addl. Public Prosecutor for the State of Assam and Mr. A. S. Tapadar, the learned counsel for the informant assisting the Addl. Public Prosecutor for the State.

2. By this application, the petitioners have prayed for pre-arrest bail in connection with Hajo P.S. Case No. 329/2026, registered under Sections 103(1) as well as 3(5) of BNS, 2023.

3. The FIR in connection with which the petitioners are apprehending arrest was lodged by the father of the victim, i.e. the deceased, stating *inter alia* that, his son was in love relationship with petitioner no. 1 and that, he went to the house of the petitioner no. 1 being called, wherein, he had argument with petitioners and that, on coming back from their house, the informant found his son hanging in the newly constructed bathroom. The informant further stated that, he suspects murder of his son.

4. The learned counsel for the petitioner submits that, the story narrated in the FIR is a concocted story and that the petitioners are no way responsible for the offence.

5. Mr. D. P. Goswami, the learned APP for the State, on perusal of the Case Dairy submits that, the victim died of suicidal hanging as reflected in the

postmortem report.

6. Mr. A. S. Tapadar, the learned counsel for the informant however, submits that, the instant case is not a case of suicide but the victim was killed and was kept in a hanging position by the petitioners.

7. On consideration of the submission made by the learned counsels, more so in view of the cause of death given in the postmortem report and also due to the fact that, it is a settled position of law that abetment charges cannot be leveled against the petitioners without specific materials, this Court enlarges the petitioners on pre-arrest bail. Further it is seen that petitioners were enlarged on interim pre-arrest bail by order dated 27.08.2026, with the condition that they should appear before the IO for recording their statement.

8. Mr. D. P. Goswami, the learned APP for the State, on perusal of the Case Diary submits that, the petitioners have appeared and the statements are recorded and as such, it is seen that the petitioners are co-operating with the investigation and on that ground the order dated 27.08.2026 is made absolute with the further conditions that:

(i) The petitioners shall appear before the Investigating Officer as and when call for.

(ii) The petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the alleged case; and

(iii) The petitioners shall not leave their residence without prior

permission of the Arresting Authority.

9. The AB Application stands disposed of.

JUDGE

Comparing Assistant