GAHC010186222026

2026:GAU-AS:15461

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

Case No. : Bail Appln./2537/2026

SAN MIA ALI ALIAS CHAND MIYA ALI
S/O. NUR ISLAM ALI, R/O. PRESENTLY RESIDING AT NAGARJHAR, P.S. HOWLY, PERMANENT ADDRESS- VILL- HECHAMAR, DIST- BARPETA, ASSAM. P.S. BOGINADI, DIST LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N ALAM R K, MR. A RAHMAN

Advocate for the Respondent : PP, ASSAM, MR. F A HASSAN(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.10.2026

Heard Mr. N. Alam, learned counsel for the accused and Mr. P. S. Lahkar, learned Additional Public Prosecutor for the State respondent. Also heard Mr. F. A. Hassan, learned counsel for the respondent No. 2.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the accused, namely, **San Mia Ali @ Chand Miya Ali**, who has been languishing in jail hajot since 05.07.2025, in connection with Howly P.S. Case No. 104/2026, under Sections 85/109/103(1) of the BNS, 2023, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Taramiya Ali, on 04.07.2026.

4. The essence of allegation, in the FIR dated 04.07.2026, is that the present accused got married to the sister of the informant, namely, Momiran Nessa, about 8 years back, and they were blessed with two children. At the time of occurrence, said Momiran Nessa was carrying 4 months pregnancy. On 04.7.2026, at about 2 P.M., the accused herein assaulted said Momiran Nessa mercilessly with iron arms and detained her inside a room in senseless condition. On being informed, the informant had taken the victim to the hospital , where she succumbed to the injuries.

5. Mr. Alam, learned counsel for the accused submits that the accused was arrested on 05.07.2026, and since then, he has been languishing in jail hajot for more than 100 days, and that investigation has already been completed and charge-sheet has also been submitted against him. He also submits that two witnesses have also been examined and that he has two minor children to look after and they are suffering a lot because of this absence.

5.1 He further submits that the accused will appear before the learned Trial Court on each and every date, and therefore, he has contended to allow this application.

6. Per contra, Mr. Lahkar, learned APP for the State respondent, has vehemently

opposed the petition. He submits that the offences are serious in nature and the Post Mortem report reveals that the deceased died due to Coma, resulting from injuries sustained on head, and all injuries were anti-mortem and caused by blunt force impact. He also submits that the minor son and daughter of the accused have clearly implicated the accused with the offences alleged in the FIR, and the offences are serious in nature and under such circumstances, he has contended to dismiss the application.

7. Mr. Hassan, learned counsel for the respondent No. 2 has also opposed the application. He submits that the accused has not only committed the murder of his wife, but also of the fetus, which was inside her womb and as such, he has committed murder of two persons. He also submits that the offences are serious in nature and two son and daughter of the accused have clearly implicated the accused with the offences alleged in the FIR and under such circumstances, he has contended to dismiss the application.

8. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also gone through the scanned copy of the Trial Court records.

9. It appears that after completion of investigation, the I.O. has submitted charge-sheet against the accused under Sections 101(3) read with Sections 109/103(1) of the BNS, 2023.

10. The Post-Mortem report, which is available on the record, indicates that the deceased died due to Coma, resulting from injuries sustained on head, and all injuries were anti-mortem and caused by blunt force impact.

11. Moreover, the son and daughter of the deceased and the present accused, who are the eye witnesses to the occurrence, have clearly implicated the accused with the offences.

12. Given the nature and gravity of the offence as well as the materials available on record; this Court is of the view that this is not a fit case where the privilege of bail can be granted. And accordingly, this Court is inclined to dismiss this application.

13. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant