

GAHC010133962019



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

Case No: Bail Appln. 1526/2019

1:SHAHJAHAN ALI
S/O JAMAL SK.
R/O VILL-BIDYAPARA
P.S.-KRISHNAI
DIST-GOALPARA
ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for the Petitioner : MR H DAS
Advocate for the Respondent : PP
ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 28-06-2019

Heard Mr. H. Das, learned counsel for the petitioner and Mrs. A. Begum, learned Addl. Public Prosecutor.

The petitioner, namely, Shahjahan Ali who was arrested on 16.04.2019 is seeking bail under section 439 Cr.P.C in connection with Krishnai P.S. Case No. 83/2019 under section

304(B)/34 IPC corresponding to G.R. Case No. 749/2019.

The learned Addl. Public Prosecutor has submitted that the case diary has not been received.

It appears that the petitioner is the husband of the deceased and it is alleged that the deceased was harassed both mentally and physically and there was demand of dowry and on 23.03.2019 at about 5.00 p.m, the petitioner had set the victim on fire by pouring Kerosene Oil and she expired on 1.00 a.m.

Considering the length of 72 days detention so far by the petitioner, this Court is of the view that further custodial interrogation of the petitioner may not be required. Despite objection of the learned Addl. Public Prosecutor, this Court is inclined to release the petitioner above named on bail on furnishing bail bond of **Rs. 20,000/-** with 2 (two) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Goalpara on the following condition:

I. On the first day of every English calendar month, the petitioner shall appear before the Investigating Officer of Krishnai P.S. Case No. 83/2019 till such time his personal appearance is dispensed with by the I.O., and

II. The petitioner will not leave the jurisdiction of the said P.S. without informing the Investigating Officer of Krishnai P.S. Case No. 83/2019.

Under such conditions, the bail application is allowed.

JUDGE

Comparing Assistant