

GAHC010145942025



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

Case No. : AB/1560/2025

MD. RAJAB ALI AND ANR
S/O- HAYAD ALI.
R/O- NEAR MASJID PORAVITA, P.S.- FAKIRGANJ,
DIST.- DHUBRI, PIN-783330.

2: ASHRAFUL ISLAM
S/O- MD. RAJAB ALI.
R/O- PORAVITA
P.S.- FAKIRGANJ
DIST.- DHUBRI
PIN-783330.

3: KHABIRAN BIBI
C/O-. MD. RAJAB ALI.
R/O- NEAR MASJID PORAVITA
P.S.- FAKIRGANJ
DIST.- DHUBRI
PIN-783330.

4: ABDUL JALIL MIAH @ JOLIL
S/O- ABDUL BAREK MIAH.
R/O- MAHAJANPARA
P.O.- JAMADARHAT
DIST.- DHUBRI

5: SAMIDA KHATUN
C/O- ABDUL JALIL MIAH.
R/O- MAHAJANPARA
P.O.- JAMADARHAT
DIST.- DHUBRI

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : M. HOSSAIN, M. HOSSAIN,MD M ISLAM,MR. R A CHOUDHURY,MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

13-08-2025

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. M. Hossain, learned counsel for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, for the State respondent.

2. This is an application under Section 482 BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Fakirganj P.S. Case No. 42/2025 under Sections 61(2)/103 of the BNS, 2023.

3. Case diary has already been received. Perused the same.

4. It is submitted by Mr. Choudhury, learned Senior Counsel that the petitioner Nos. 1 and 3 were earlier granted with the privilege of interim bail and pursuant to the same, they appeared before the I.O. of the case and are cooperating with the investigation of the case.

5. The petitioner Nos. 2, 4 and 5 are also no way involved in the alleged offence, wherein the petitioner No.2 is the brother of the petitioner No.1 and the petitioner Nos. 4 and 5 are the brother in law and sister in law of the deceased, who resides far away from the place of occurrence.

6. He further submitted that on the day of the incident, the victim went out for marketing and after some time, it was informed that she was lying unconscious on the bank of the river and immediately they rushed to the place of occurrence and then took the deceased to the hospital, where she was declared brought dead. The petitioners are not at all involved in the alleged offence.

7. However, they are ready and willing to cooperate with the I.O. in further investigation of the case, if they are granted with some interim protection.

8. Mr. Sarma, learned Addl. PP submitted that the cause of death is yet to be ascertained as the FSL report is yet to be collected by the I.O. However, from the post mortem report it is seen that there was no external injury on the body of the deceased at the time of her examination. However, Mr. Sarma submitted that there are some incrimination against the present petitioners, who used to inflict mental and physical torture on the deceased.

9. After hearing the submissions of the learned counsel for both the sides and the material available in the case diary, I find that one opportunity may be given to the petitioner Nos. 2, 4 and 5 to appear before the I.O. and to cooperate with the investigation of the case till receipt of the updated case diary along with the FSL report.

10. Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, (2) Ashraful Islam; (4) Abdul Jalil Miah @ Jolil and (5) Samida Khatun, in connection with Fakirganj P.S. Case No. 42/2025 under Sections 61(2)/103 of the BNS, 2023, they shall be enlarged on interim pre-arrest bail on their executing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) each, only with one surety of the like amount to the satisfaction of

the arresting authority, subject to the following conditions:

- (i) that the petitioners shall appear before the Investigating Officer of the case within a period of 1(one) week from today to enable recording of their statement;
- (ii) that the petitioners shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case and
- (iii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

11. List the matter, accordingly, on **11.09.2025** for production of the up-to-date Case diary along with the FSL report.

12. The interim order passed earlier on 23.07.2025 with regard to the petitioner Nos. 1 and 3 shall remain in force till the next date.

JUDGE

Comparing Assistant