

GAHC010209572025



2025:GAU-AS:13331

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

Case No. : AB/2308/2025

RASHIDA BEGUM AND 2 ORS.
D/O SATTAR PARAMANIK
W/O SADDAM ALI
VILL- NO. 3 BHELAMARI
P.O. LAWPARA
P.S. MUKALMUA
DIST. NALBARI, ASSAM
PIN- 781126

2: LAILY BEGUM
D/O SATTAR PARAMANIK
W/O AMINUL ISLAM
VILL- NO. 3 BHELAMARI P.O. LAWPARA
P.S. MUKALMUADIST. NALBARI
ASSAM
PIN-781126.

3: SIRA BEGUM
D/O SAHED ALI
R/O SATGAON KABARSTAN
JURIPAR

SANTI PATH
P.O. PANJABARI
P.S. DISPUR

DIST. KAMRUP (METRO)
ASSAM
PIN--78103

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A MOBARAQUE, MR. S P CHITTAWAT

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA
ORDER**

21.01.2026

- 1.** Heard Mr. A. Mobaraque, the learned counsel appearing on behalf of the petitioners. Also heard Mr. B. Sarma, the learned Additional Public Prosecutor appearing for the State of Assam, who has produced the Case Diary.
- 2.** The learned counsel appearing on behalf of the petitioners has submitted that the petitioners were granted interim anticipatory bail by this court, by its order dated 24.09.2025 after perusal of the Case Diary and after getting the anticipatory bail, the petitioner has co-operated in the investigation. Hence, he prays for making the interim bail absolute.
- 3.** On the other hand, the learned Additional Public Prosecutor submits that though the FSL report regarding the examination of the viscera of the deceased has been received and same shows negative report from any poison, however, in the post-mortem examination report, final opinion as regards death of the deceased has not yet given.

4. He further submits that there are statements of some of the witnesses which were recorded by the Investigating Officer under Section 181 of the BNSS, 2023 indicating that the petitioner had subjected the deceased to torture. Hence, he prays for vacating the interim bail granted to the petitioner.

5. I have considered the submissions made by the learned counsel for both the sides and have gone through the Case Diary which is available before this court. Though there are sufficient incriminating materials against the petitioners on record in the form of statement of witnesses under Section 181 of BNSS, 2023, however, it appears that after grant of interim bail to the petitioners, there is no indication that they have received their liberty in any manner and therefore, this court is of the considered opinion that custodial interrogation of the petitioners may not be necessary, if they co-operates in the investigation. Hence, the interim bail granted to the petitioners by its order dated 24.09.2025 is hereby made absolute with the conditions attached to the said order remaining intact.

6. This anticipatory bail application is accordingly disposed of.

JUDGE

Comparing Assistant