

Crl. Misc. No. 758/19

06.11.2019

Bail petitioner for accused persons Md. Shabdul Ali and Mustt. Wahida Khatun represented.

Learned Addl. P.P. Mr. N. A. Choudhury notified and appeared.

Heard both sides on bail petition filed U/S 439 of Cr.PC praying for grant of bail to accused person namely **Md. Shabdul Ali and Mustt. Wahida Khatun** who is detained in custody in connection with Moirabari P.S. Case No. 331/19,(G.R. No. 3261/19) U/S 498A/494/307/34 IPC.

Petition is supported by an affidavit filed by Md. Afir Uddin, swearing that no bail petition has been filed or rejected or pending in Hon'ble Gauhati High Court or any other superior court.

Prosecution case, in concise, is that informant Mustt. Jabida Khatun lodged a written ejahar stating inter-alia, that 15 years ago informant cum victim was married with accused person Md. Shabdul Ali. Since then accused person used to tortured victim physically and mentally and married co-accused person Mustt. Wahida Khatun. On 08.10.19 on getting information victim went near to accused person at Belobori at about 10.00 a.m. accused person tried to kill her by throttling her neck. Co-accused person Md. Abul Kashem and Mustt. Joytsnara Khatun witnesses the matter. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused persons are innocent. On the contrary, learned Addl. P.P. Mr. N. A Choudhury submitted to pass an order as per law.

Perusal of CD and LCR shows that accused person is behind bar since 09.10.19 and even though I find no separate medico-legal report, vide not in CD it appears victim sustained no injury.

Considering progress in investigation and period of detention, and position in CD accused persons **Md. Shabdul Ali** and **Mustt. Wahida Khatun** each are **allowed** to go on bail of Rs. 20,000/-

Contd...

Contd...
06.11.2019

(Twenty thousand) with a fit surety of like amount to the satisfaction of learned Elaka Magistrate, Morigaon on condition-

- (i) that, soon after their release, accused person would visit the concern I/O and shall regularly appear before him every fortnightly, there from, till filing of FF or till expiry of 2 months from his arrest, whichever is earlier.
- ii) That, they shall not directly or indirectly make any inducement or threat or promise to` any person acquainted with the fact of the case till filing of FF.
- (iii) That, they shall co-operate with investigation and shall not leave the jurisdiction of the court without written permission from I.O.

The Crl. Misc. Case stands disposed off.

Send back L.C.R & CD accordingly.

Inform all concerned.

Asstt. Sessions Judge,
Morigaon

