

Crl. Misc. No. 911/19

27.11.2019 Bail petitioner for accused persons namely Rajib Ali, Jehirul Ali @ Jahirul Ali and Jalal Uddin represented.

The instant bail application has been filed U/S 438 Cr.PC praying for grant of pre-arrest bail by accused petitioners namely- **Rajib Ali, Jehirul Ali** and **Jalal Uddin**, who are apprehending arrest in connection with Morigaon P.S. Case No. 969/2019,(G.R No. 3406/19) U/S 448/376/511/341/325/34 IPC.

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

Petition is supported by an affidavit filed by Rajib Ali, swearing that earlier one bail petition has been rejected by Asstt. Sessions Judge Morigaon, except that no bail petition has been rejected or pending before Hon'ble High Court or Hon'ble Sessions Judge Morigaon.

Perusal of case record shows that allegation vide ejahar shows that on 5.10.19 at about 11.00 p.m. while informant cum victim's husband was absent, accused persons Md. Rajib Ali armed with sharp weapon entered into the house of informant and attempted to rape her, when informant raised alarm other family members saved her. On 13.10.19 at about 9.00 a.m. at informant's house accused persons beat informant and her husband. As a result victim sustained grievous injury. Hence, this case.

Learned engaged counsel submitted that accused petitioners are innocent. Vide petition no. 856/19 learned counsel submitted medical certificate of accused petitioner Jalal Uddin that he has been advised surgery. Learned Addl. P.P. Mr. N. A. Choudhury objected in respect of accused Rajib Ali.

Perused LCR & CD. Close perusal of victim's statement u/s 164 Cr.P.C shows that in occurrence on 5.10.19, only accused Rajib Ali was involved. Same is the allegation vide ejahar too. Also considered medical condition of accused person Jalal Uddin who hails from within jurisdiction of this Court.

Considering all aspects arresting authority is directed that accused petitioner **Jalal Uddin**, shall be released on bail in the event of

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his arrest, on furnishing bail bond of Rs. 20,000/-(twenty thousand) with one fit surety of like amount to the satisfaction of the investigating agency, on condition that accused person, will co-operate with investigation.

Bail prayer for accused petitioners **Rajib Ali** and **Jehirul Ali** stands **rejected**.

The CrI. Misc. Case stands disposed off to the extent above.

Send back CD and L.C.R accordingly.

Inform all concerned.

Asstt. Sessions Judge, Morigaon

