

Crl. Misc case No. 967/19

02.01.2020

Bail petitioner for accused person Md. Ashad Ali represented.

Learned P.P. Mr. A. Kalam 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. Ashad Ali** who is detained in custody in connection with Moirabari P.S. case no. 413/2019 (G.R. No.3721/19) U/S 417/328/376 of I.P.C.

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

Prosecution case, in concise, is that informant Fajila Khatun lodged a written ejahar stating inter-alia, that accused person Md. Ashad Ali, a married person who developed love affair with informant's daughter/victim. He established physical relation with victim many a times, but denied marrying her. On 12.11.19 at about 2.00 p.m. victim after having talked with accused person over phone administered pesticide. Later on, she was admitted at Moirabari Hospital. Hence, this case.

Learned engaged counsel for bail petitioner submitted accused person is innocent that victim is a major person and is a consenting party. On the contrary, learned P.P. Mr. A. Kalam did not object.

Perusal of CD & LCR shows that victim too vide her statement u/s 164 Cr.P.C. is a major person and a married woman who left her conjugal house on insistence of accused person and later on both developed love affair.

Considering all aspects, progress of investigation, length of detention and position in CD, accused person **Md. Ashad Ali** is **allowed** to go on bail of Rs. 30,000/- (thirty thousand) with a fit surety of like amount to the satisfaction of learned Elaka Magistrate, Morigaon on condition-

- (i) that, soon after his 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 3 months from his arrest, whichever is earlier.

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02.01.2020

(ii) That, he 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, he 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 CD & LCR accordingly.

Inform all concerned.

Asstt. Sessions Judge,
Morigaon