

Crl. Misc. No. 55/2019

**06.03.2019** Bail petitioner for the accused persons namely Sri. Nabin Medhi, Sri. Dipak Medhi, Smti. Bibharani Medhi and Smti. Dipa Medhi represented.

The instant bail application has been filed U/S 438 Cr.PC praying for grant of pre-arrest bail by accused petitioners namely- **Sri. Nabin Medhi, Sri. Dipak Medhi, Smti. Bibharani Medhi** and **Smti. Dipa Medhi**, who are apprehending arrest in connection with Morigaon P.S. Case No. 38/19 (GR No.152/19), U/S 341/325/307/379/34 IPC.

Petition is supported by an affidavit, Sri. Dipak Medhi swearing that no bail petition is pending or rejected before Hon'ble Gauhati High Court or Hon'ble Sessions Judge, Morigaon.

Learned PP/State already notified.

Heard both sides. Medico-legal report received today.

Prosecution case in nut shell is that on 10.1.2019 at about 11.30 a.m. while informant's wife was going through the road then accused persons restrained informant's wife in front of their house and attempted to kill her by attacking with an iron *siprang* on head. As a result informant's wife sustained grievous injury on her body. Hence, this case.

Learned counsel for the accused petitioner submitted that accused persons are innocent. *Per-contra* learned Addl. P.P. **Mr. N.A. Choudhury**, who after perusing the CD has submitted to consider the bail prayer as per law.

Perusal of CD and L.C.R shows that Biruja Sarkar W/O Baidya Sarkar sustained "Simple" injury by "blunt" weapon vide her medico legal report. In view of position in CD and that accused petitioners hail from within jurisdiction of this Court. I intend to grant petitioners prayer.

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Considering all aspects, arresting authority is directed that accused petitioners each above named shall be released on bail in the event of their arrest, on furnishing bail bond of Rs. 30,000/-(thirty thousand) with one fit surety of like amount to the satisfaction of the investigating agency, on condition that accused persons will co-operate with investigating agency and shall not leave jurisdiction of the Court without intimation to I.O.

Send back CD and L.C.R accordingly.

Inform all concern.

Asstt. Sessions Judge, Morigaon