

18.03.19

Bail petitioner for accused person Gazibur Rahman 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 **Gazibur Rahman** who is detained in custody in connection with Moirabari P.S. Case No. 31/19 (GR No. 487/19), U/S 341/326/294/506/34 IPC.

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

Prosecution case, in concise, is that informant Md. Abdul Jabbar lodged an ejahar stating inter-alia that accused person Gazibur Rahman and Hasnara Khatun (wife of Gazibur Rahman) on 17.02.19 at about 12.30 p.m. waylaid informant on the road, situated in front of their residence and chased him with *dao*. It is stated that said Gazibur Rahman is informant's one son and Hasnara Khatun is daughter-in-law. That accused persons on that day, were prevented by another son of informant Abul Kashem when they stabbed and injured him on left hand severely. Hence, this case.

Learned engaged counsel for bail petitioner submitted that it is due to family dispute that occurrence took place. As informant has renounced his one son (accused Gazibur Rahman) as *tejya putra*. Learned engaged counsel has drawn attention to affidavit filed by father (informant) in this regard that matter has been compromised outside court. On the contrary, learned Addl. P.P. Mr. N.A. Choudhury submitted that lenient view may be taken as both accused person Gazibur Rahman and informant are related as son and father.

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Perusal of C.D and L.C.R shows that since 18.02.19 accused petitioner is behind bar. It transpires from ejahar itself that accused person and informant are father and son. By this time investigation has progressed substantially. I.O has visited place of occurrence, collected medical report, recorded statement of a number of witnesses.

Considering all aspects, in view of progress in investigation accused person **Gazibur Rahman** 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 persons 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.
- 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 L.C.R & CD accordingly.

Inform all concern.

Asstt. Sessions Judge,
Morigaon

