

Crl. Misc. No. 755/19

24.10.2019

Bail petitioner for accused person Jiabur 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 person namely **Jiabur Rahman** who is detained in custody in connection with Moirabari P.S. Case No. 329/19,(G.R. No. 3259/19) U/S 498A/307 IPC.

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

Prosecution case, in concise, is that informant cum victim Mustt. Samsun Nehar lodged a written ejahar stating inter-alia, that informant was given in marriage with accused person Jiabur Rhaman 5 years ago. Accused person used to torture informant cum victim physically and mentally on demand of dowry and following the command of accused person Habibur Rahman, co-accused Jiabur Rhaman attempted to kill victim by throttling her neck. On 29.09.19 at about 4.00 p.m. accused persons beat victim and ousted her. Victim took shelter at her parent's house. On 06.10.19 at about 9.00 a.m. accused person pronounced talak over phone. Hence, this case.

Learned engaged counsel for bail petitioner submitted that accused person is innocent. On the contrary, learned Addl. P.P. Mr. N. A Choudhury did not object.

Perusal of CD and LCR shows that accused person is behind bar since 09.10.19. There is no injury per-se medico-legal report.

Considering all aspects, accused person **Jiabur Rahman** is **allowed** to go on bail of Rs. 20,000/- (Twenty thousand) with a fit surety of like amount to the satisfaction of learned Elaka Magistrate, Morigaon on condition-

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- 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.
- 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 CrI. Misc. Case stands disposed off.
Tag the medico legal report to C.D.
Send back L.C.R & CD accordingly.
Inform all concerned.

Asstt. Sessions Judge,
Morigaon