

Misc. CrI. 268/21

04.06.2021

Seen the petition u/s 438 of the Cr.P.C. filed by accused-petitioner Asadul Islam who is apprehending arrest in connection with Baguan P.S. Case No.09/2021 corresponding to G.R. Case No.141/21 u/s 302/34 of the IPC.

The case diary is received and I have perused the same. I have also heard the learned counsel for the accused-petitioner as well as the learned Public Prosecutor in the virtual court through video conferencing.

The contents of the FIR, in brief, is that victim Moriom Khatun got married with the above named accused-petitioner about one and half years ago and after the marriage, the accused-petitioner and his mother used to torture the victim physically and mentally. Thereafter, on 18.02.2021, the victim died under suspicious circumstances and the informant alleged that she had been murdered by the accused persons.

On going through the case diary, it appears that victim Moriom Khatun had expired in her matrimonial house within seven years of her marriage under suspicious circumstances. There are materials in the case diary against the accused-petitioner regarding causing torture upon the victim lady on demand of dowry.

It deserves a mention that earlier similar pre-arrest bail prayer was rejected by the court of learned Addl. Sessions

Judge, Goalpara vide order dated 11.05.2021 passed in Misc. Crl. Case No.186/21. There is no change of circumstances. Though the learned counsel for the accused-petitioner has taken the plea that the accused-petitioner has been suffering from serious ailment but no document has been submitted in support of this submission. Therefore, I am not inclined to grant pre-arrest bail to the petitioner. Hence, the pre-arrest bail prayer is rejected.

Send back the C.D. with a copy of this order. A copy of this order shall also be furnished to the accused-petitioner or his learned counsel forthwith by the Bench Asstt./Court Master under his signature and this order shall also be uploaded in the official website of the District Judiciary, Goalpara.

Inform all concerned accordingly.

This Misc. Case is thus disposed of.

Sessions Judge
Goalpara