

Misc. CrI. 595/21

03.11.2021

Seen the petition u/s 439 of the Cr.P.C filed by petitioner Nurul Islam with a prayer to grant bail to accused Soleman Azim who is in judicial custody in connection with Lakhipur P.S. Case No.537/21 corresponding to G.R. Case No.1927/21 u/s 498(A)/307/384/34 of the IPC r/w Sec.3/4 of D.P. Act.

The record of G.R. Case No.1927/21 along with the case diary is received and I have perused the same. I have also heard the learned counsel for the petitioner and also the learned Public Prosecutor.

The brief facts of the prosecution case is that about seven months prior to the date of the filing of the ejarah, the informant got married with accused Soleman Azim and thereafter, they led their conjugal life and out of their wedlock, a female child was born. After their marriage, her husband at this instigation of FIR named accused persons used to physically torture her on demand of dowry. Though the informant paid Rs.2,50,000/- but the accused persons were not satisfied and demanded more dowry. Thereafter, on 27.08.21, at about 6:00pm, the above named accused and Nurul Islam assaulted her physically causing injuries, took her wearing ornaments forcibly and drove her out along with her child from her matrimonial home pronouncing talaque.

The learned counsel for the petitioner submitted that the accused was arrested on 30.09.2021 and since then he has been in judicial custody. It is further submitted that the accused is a reputed businessman and if he is being detained in jail hazot for long period, there will be irreparable loss in his business. It is also submitted that the accused will not hamper or tamper the prosecution witnesses and he is ready to comply with any conditions to be imposed in the event of granting his bail. The learned Public Prosecutor did not raise any objection.

On perusal of the case diary, it transpires that the investigation of the case has already been completed and the I.O. has submitted a charge sheet against the above named accused person u/s 498(A) of the IPC and 3/4 of D.P. Act. As per the medical report of the victim, no injury was found. The accused has been in jail hazot since 30.9.2021. Further custodial detention is not required as the investigation has already been completed. Further, the accused is required to arrange proper defence during trial of the case and for that purpose, accused is required to be enlarged on bail.

In view of the above facts and circumstances and since the investigation of the case has already been completed, I do not think it to be necessary to keep the accused further behind the bar. Therefore, the prayer for

bail is allowed.

Accordingly, the accused, namely Soleman Azim may go on bail of Rs.20,000/- (Rupees twenty thousand) only with a solvent surety of the like amount to the satisfaction of learned court below subject to the condition that he shall not tamper with the evidence of the case in any manner or he shall not make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the lawful authorities and he will be regular in attendance before the trial court till the end of the trial.

Send back the case record along with the case diary with a copy of this order. A copy of this order shall also be furnished to the 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