

Crl. Misc. (B) Case No. 530/2020

ORDER

29-09-2020

This bail application has been filed under Section 438 CrPC for accused petitioner Sri Pradip Gogoi seeking pre-arrest bail in connection with Khowang PS Case No. 89/2020 under Sections 498-A/294/506 IPC.

The allegation as per the FIR dtd. 02-09-2020 of Sri Munin Gogoi is that his son, i.e., the accused petitioner Sri Pradip Gogoi, has been subjecting his family members including his daughter-in-law Smt. Janmoni Gogoi, daughter and his wife to physical and mental cruelty under the influence of alcohol and by using filthy language.

Heard learned Advocates for both the sides.

Learned Advocate Mr. Ajit Kalita for the accused petitioner submitted that the accused petitioner has been falsely implicated in this case. The complainant is the father of the accused petitioner and in his absence, on 02-09-2020, an altercation took place in between the accused petitioner and the wife of the accused petitioner and without knowing the actual fact due to misunderstanding and misconception, his father lodged the FIR against him. His father has come to know the actual facts and as such declared that he lodged the FIR due to misunderstanding and misconception and as such, he is not intending to proceed further with the case against his son and in this regard, he sworn in an affidavit declaring the above facts. The copy of the affidavit is annexed as Annexure 2.

Learned Advocate further submitted that the victims of this case have also sworn in an affidavit declaring that the accused petitioner did not commit any offence and that the complainant filed the FIR due to misunderstanding and misconception. The copy of the affidavit jointly sworn in by wife and mother of the accused petitioner is enclosed with the bail petition as Annexure 3.

Seen the affidavits sworn in by the complainant/father, mother and wife of the accused petitioner.

Gone through the record.

Contd.

Considering the facts and circumstances of this case, matrimonial dispute and sworn in affidavit submitted by the complainant/father, mother and wife of the accused petitioner and the direction of Hon'ble Supreme Court in the case of ***Arnesh Kumar vs. State of Bihar, (2014) 9 SCC 273***, custodial detention of the accused petitioner is not felt necessary. Hence, in the event of arrest, the accused Sri Pradip Gogoi be released on bail of Rs. 20,000/- with a surety of like amount to the satisfaction of the arresting authority in connection with Khowang PS Case No. 89/2020.

The misc. case stands disposed off.

Let a copy of this order be released as certified to be true copy under the signature of the Bench Assistant.

Sessions Judge,
Dibrugarh