

Present: Shri Jaspal Singh
Addl. Sessions Judge, Dibrugarh

Crl. Misc. (B) Case No. 513/2020

30.09.2020.

Learned Advocate for the accused/petitioners, namely, (1) Sri Anupam Konwar and (2) Smti. Dipa Phukan, has filed hajira.

Called for case diary of Lahowal P.S. Case No. 206/2020 has been received.

Heard both the sides through video-conferencing and perused the case diary.

A gist of the allegations levelled in the F.I.R. dated 10.09.2020 is this: on 09.09.2020 the accused/petitioner No. 1 (Sri Anupam Konwar), who is the informant's husband, physically assaulted the informant and even tried to kill her by strangulating her neck. After a few while, he again came with the accused/petitioner No. 2 (Smti. Dipa Phukan) who was holding a DAO and they threatened the informant to leave her matrimonial home. They snatched a gold chain and gold finger-ring from her and also demanded Rs. 2,00,000/- from her. It is further alleged that on 08.09.2020 the informant's husband came to her room with some unknown person and forced her to do some illicit relation with him and on her refusal they assaulted her physically. It is also alleged that on 05.09.2020 the informant's husband illegally demanded 2 Bigha land from her father. Alleging about physical and mental torture on her, the informant has further stated that since last few days her husband has been forcing her to do work of human trafficking with said Smti. Dipa Phukan as her partner.

It may be stated that based on the allegations made in the F.I.R., the Lahowal Police Station has registered the above mentioned case u/s. 498A/325/307/382/506/34, IPC.

Denying the allegations made in the F.I.R., it is submitted on behalf of the accused/petitioners inter alia as follows:

1) The informant since after her marriage with the accused/petitioner No. 1 was found to be very greedy and not at all co-operative with him,

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having a quarrelsome nature.

2) On 30.08.2020, on being told by the informant that a pair of her gold ear-rings and one gold finger-ring had been stolen by somebody in her matrimonial house, the accused/petitioner No. 1 purchased new pair of gold ear-rings and one gold finger-ring for her after she created an unhealthy atmosphere in the house in that connection. But, surprisingly, on 07.09.2020 the alleged stolen gold ornaments were discovered from her possession.

3) The accused/petitioner No. 1 has filed a complaint against the informant and on the basis of the same a case has been registered by Lahowal Police Station as Lahowal P.S. Case No. 214/2020 u/s. 193/195/199/203/379/294/506 of IPC.

4) The informant tortured/harassed the accused/petitioner No. 1 and his family members and threatened to file a false case against him with an allegation of his keeping objectionable relationship with the accused/petitioner No. 2 which is totally false.

5) The accused/petitioner No. 2 being a victim of cruelty caused by her husband stated to live in her parents' house nearby the house of the accused/petitioner No. 1 and being a well-wisher and local villager, the accused/petitioner No. 1 provided his helping hand to her in her bad days. During her stay in her parents' house, the accused/petitioner No. 2 lodged a complaint against her husband on the strength of which Lahowal Police Station has registered a case u/s. 498A/307, IPC.

On the strength of the above submissions, it is submitted on behalf of the accused/petitioners that they may be granted pre-arrest bail. On the other hand, learned Addl. Public Prosecutor has objected to the granting of pre-arrest bail to the accused/petitioners looking at the incriminating materials in the case diary.

A perusal of the case diary shows that during the investigation the Investigating Officer has recorded the statements u/s. 161 Cr.P.C. of some witnesses including that of the informant/victim and also got her

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statement u/s. 164 Cr.P.C. recorded through the Court. The informant/victim has been medically examined and her medical examination report has also been collected. As per her medical examination report, no external injury has been found. But there are incriminating materials against the accused/petitioners in the statements u/s. 161 Cr.P.C. and u/s. 164 Cr.P.C. of the informant/victim. Other witnesses, including the family relations of the accused/petitioner No. 1, have also stated about the physical and mental tortures meted out to the informant/victim by the accused/petitioner No. 1. The investigation into the case is in progress and the allegedly snatched gold ornaments are yet to be recovered, although searches have been made for that purpose. Considering the overall materials in the case diary and the facts and circumstances of the case, I do not think it prudent to extend the benefit of pre-arrest bail to the accused/petitioners.

In view of the above, the pre-arrest bail prayer for the accused/petitioners stands rejected.

Send back the case diary along with a copy of this Order.

A copy of this Order be released to the learned Advocate for the accused/petitioners as "certified to be a true copy" under the signature of the Bench Assistant.

This Crl. Misc. (B) Case is accordingly disposed of.