

Present: : **Sri S.K. Kabra**
Addl. Sessions Judge (FTC)
Dibrugarh.

Criminal Misc. (B) Case No. 679/2021

Order

17.12.2021

This is a petition u/s 438 of CrPC for granting liberty of pre-arrest bail to the petitioners/accused persons (1) Lutfur Rahman (2) Nurul Islam (3) Latifa Begum, who are apprehending arrest, in connection with Tingkhong P.S. Case No. 276/2021, registered u/s 498-A of IPC.

Called for case record has been received. I have heard the parties. I have also perused the record.

It is alleged by the complainant in the ejahar that the accused persons have been torturing her for not having child and also for not able to give dowry. It is also alleged that on 07.11.2021, in the evening at around 8 pm her husband (Lutfur Rahman) had beaten her, torn her clothes and tried to burn her by pouring kerosene oil. It is alleged that to save herself she took shelter in the neighbour's house. Hence the FIR has been lodged.

During the course of hearing, it is submitted by the learned counsel for the accused persons that the accused persons are innocent and have been falsely implicated in the present case. It is submitted that the accused persons are victims of the present case. It is also submitted that the complainant is never satisfied with the petty income of the petitioner no. 1 and for which she used to create problems in the house. It is also submitted that this false case has been lodged and accused no. 1 is unable to satisfy the unreasonable demands of the complainants.

I have considered the entire material on record including evidence collected by I.O. The evidence collected by the I.O. reveals that there was quarrel between the accused Sri Lutfur Rahman (husband) and complainant (wife). Medical report and other materials does not reveals kerosene oil on the person of the victim. Be that as it may be.

Record reveals that charge sheet has been laid in the present case against the accused Sri Lutfur Rahman only. Learned counsel for the accused persons do not wish to press the present anticipatory bail petition for accused No. 2 and accused No. 3 i.e. Nurul Islam and Latifa Begum respectively.

Considering the entire facts and circumstances, I am of the view that custodial trial may not be required in the present case. Accordingly, the **pre-arrest bail petition of the accused Sri Lutfur Rahman is allowed**. The accused Sri Lutfur Rahman is allowed to go on bail on furnishing a bond of Rs. 20,000/- with one surety of like amount to the satisfaction of the concerned Ld. Elaka Magistrate with further conditions that :-

- a) Accused shall appear before the Court as and when called for;
- b) Accused shall not commit any similar offence;
- c) Accused shall not try to influence the prosecution witness;
- d) Accused shall not tamper with the evidence.

Send back the case record along with the charge sheet and case diary to the Court below with a copy of this order.

Accordingly, the bail Petition is disposed of.


Addl. Sessions Judge (F.T.C.)
Addl. Dibrugarh (FTC)
Dibrugarh

LCR returned matter
to copy to court to Ld
CJM. Dibrugarh
8/29/24
17/12/24