

Present:

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

Criminal Misc. (B) Case No. 24 of 2022

Order

09.02.2022

Sri M. K. Sahu, learned counsel for the accused persons/petitioners and learned Addl. P. P. is present.

This is a petition u/s 438 of CrPC for granting pre-arrest bail to accused persons namely (1) Sri Samir Kr. Yadav, (2) Sri Ram Bachan Yadav, (3) Smti. Shama Yadav and (4) Smti. Pinky Yadav, who are apprehending arrest, in connection with Chabua P.S. Case No. 07 of 2022 registered u/s 498-A of IPC.

Called for Case diary is received. I have also heard both the parties.

The ejahar dated 03.01.2022 was lodged by Smti. Sunaina Yadav, wife of accused No. 1 Sri Samir Kr. Yadav. It is alleged in the FIR that she was married to the accused No. 1 on 27.04.2001. It is also alleged that after the birth of 2 (two) daughters, one of them is presently 18 years old and another is of 14 years old, the husband and in-laws started torturing her both physically and mentally. It is stated that they have been demanding dowry from her. It is also alleged that her husband had married to another girl and on 08.11.2021 both accused No. 1 and his second wife started beating the complainant and she sustained grievous injuries and finally the complainant along with her two daughters was dragged out of the house. They are forced to live in a rented house.

I have gone through the evidence collected by the I.O.

It appears from the record that the elder daughter is staying with her grand-parents and younger daughter is staying with the complainant in a rented house.

On the last date of hearing, interim bail was granted to accused No. 2, accused No.3 and accused No. 4 and they were directed to appear before the investigating officer within 10 days to cooperate with the investigation. It appears from the record that they had appeared before the investigating officer in compliance with the order dated 27.01.2022.

Record reveals that even the accused No. 1 had also appeared before the investigating officer several times, who had recorded his statement.

Considering the entire facts and circumstances of the case including the materials collected by the I.O., the order dated 27.01.2022 granting interim bail to the accused persons namely **(1) Sri Ram Bachan Yadav, (2) Smti. Shama Yadav and (3) Smti. Pinky Yadav is hereby made absolute under the same terms and conditions.**

So far as the accused No. 1 is concerned considering the facts of the case and the materials collected by the investigating officer and also fact that the accused No. 1 had appeared before the investigating officer, I deem it fit to allow pre-arrest bail of the accused No. 1 Sri Samir Kr. Yadav as well. **Accused No.1 Sri Samir Kr. Yadav is allowed to go on bail on furnishing of bail bond of Rs. 20,000/-** with one suitable surety of like amount to the satisfaction of the arresting authority.

The pre-arrest bail is allowed with further conditions that:-

- The accused No.1 shall appear before the investigating officer within 10 (ten) days from today and cooperate with the investigation.
- The accused No.1 shall not directly or indirectly make any inducement or threat to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or any police officers.
- The accused No.1 shall not tamper with the prosecution evidence.

Send back the case diary with a copy of this order to the Chabua P.S. for information and necessary action.

A free copy of this order under the signature/certificate of the Bench Assistant be provided to the learned counsel for the accused.

Accordingly, the pre-arrest bail petition is disposed of.


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

Bachan Yadav
KTY of P.W.
28/3/22
15/02/22

SMY to CMA
28/7/22
15/02/22