

Misc.(Crl.) Case No.1393/2022

04-01-2023:-

Case record is put up before me as the learned P.O. has gone to Bilasipara Court for official work.

This is a petition u/s 438 CrPC, filed for granting pre-arrest bail to the accused/petitioners, namely, 1) Nurjamal, 2) Tomej Ali, 3) Shomesh Ali, 4) Sahajamal, 5) Hamed Ali, 6) Samad Ali, 7) Nomej Ali, 8) Rofiqul Islam and 9) Hakim Ali, who are apprehending arrest in connection with Fakirganj P.S. Case No.186/2022, corresponding to G.R. No.1881/2022, registered u/s 143/294/325/354-B/506 IPC.

The brief fact of the case is that the informant Saniya Khatun lodged an F.I.R. in the Bandihana O.P. under Fakirganj Police Station stating that on 09.10.2022, at around 9.00 a.m., the accused persons, named in the FIR, entered into a quarrel in connection with some money transaction and land mortgage and thereafter manhandled the informant and outraged her modesty.

Case diary as called for is received. Perused the same. Heard learned counsel of both sides.

In the course of hearing, the learned counsel for the bail petitioners submitted that it is a false case lodged by the informant to harass the accused persons. It is also submitted that there is a land dispute in between the parties and that is why the informant has lodged the FIR falsely to pressurize the accused persons.

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From perusal of the case diary, it appears that investigation of the case is going on. The I.O. has recorded the statements of the informant-victim and other witnesses u/s 161 Cr.P.C. Upon perusal of the statements of the informant-victim and other witnesses, I am of the opinion that custodial interrogation of the accused persons is not necessary in this case. Accordingly, the pre-arrest bail prayer is allowed.

Accused persons, mentioned above, are directed to be released by the I.O., in the event of arrest, on entering into bail bond of Rs.20,000/- (Rupees Twenty Thousand) each with one suitable surety of like amount, to the satisfaction of the I.O. with condition that they shall co-operate with the I.O. in investigation of the case.

Let the case diary be returned to the I.O. concerned along with a copy of this order.

This Misc.(Crl) case is disposed of accordingly.

I/C, Sessions Judge,
Dhubri