

Bail Application No. 706/2022

Order-sheet
Present: Sh. S.K. Poddar
Sessions Judge, Morigaon

20.12.2022

Ld. Advocate for the accused petitioner and Ld. Public Prosecutor, Morigaon are present.

This is a petition filed u/s 438 CrPC for granting prearrest bail to accused Ramjan Ali, who is apprehending arrest in connection with Mikirbheta PS Case No. 238/2022, registered u/s 302 IPC.

Called for case diary is received with postmortem report of deceased Nurun Nehar.

I have also heard Ld. Advocate for both the sides.

During hearing, Ld. Advocate for the accused petitioner has submitted that police is searching the petitioner Ramjan Ali, though he is not involve in the said offence. On the other hand, Ld. Public Prosecutor, Morigaon by referring to the bail objection submitted by the I.O has objected in granting bail. It is further submitting that postmortem report indicates that it is a case of homicidal death by pushing her to the pond leading to her death and for that it may not be possible for Baharul alone to cause the incident. It is also submitted that I.O has collected some materials showing presence of accused petitioner Ramjan Ali along with prime accused Baharul Islam.

I have considered the submissions of both the sides.

FIR dated 04.11.2022 lodged by Khudeja Khatun discloses that her daughter Nur Nehar was married to accused Baharul Islam, About a month back of filing the FIR said accused brought another wife. Due to the tortures her daughter left the matrimonial home and took shelter at the residence of the informant. At 04.11.2022 at about 8 PM accused Baharul Islam came near to the house of informant and after calling said Nur Nehar out side her house and talked with her. Due to non-return of said Nur Nehar, during search her dead body was found lying at public pond located near the house of the informant.

From the postmortem report it appears that existence of water in lungs, recovery blood stained penty clearly indicates a possibility of homicidal death of deceased Nurun Nehar. From the statement of the witnesses recorded so far it appears that I.O has collected some materials against accused Ramjan Ali with the prime accused Baharul Islam.

Considering the nature of the offence and the way of committing crime, I am of the opinion that in this case custodial investigation is required and as such, prayer for prearrest bail is rejected.

Send back the case diary along with a copy of this order,

Also send a copy of this order to Ld. CJM, Morigaon for information.

Bail petition is disposed of.