

Crl. Misc Case No. 157/2022 (u/s 438 CrPC)
22/11/2022

The bail application is filed by the accused/petitioners Harmuj Ali, Jeherul Ali and Hasina Bibi u/s 438 CrPC praying to allow them on pre arrest bail in connection with Nalbari PS Case No. 423/2022 u/s 498(A) IPC.

The brief fact of the case is that on 28/09/2022 informant Mousumi Begum lodged an FIR inter alia citing that after few days back of her marriage the accused No.1 and 3 threatened her to perform second marriage of her husband with another women if she fail to give money from her paternal home to establish her husband who had income source at that time. Later on 07/12/2021 the father of the informant paid Rs. 2,00,000/- to accused No.1. After receiving the amount they lived peacefully. Again the accused No.1 demanded Rs. 1,00,000/- from the informants father to which he could not fulfill. The accused no.1 started mental and physical torture for non fulfillment of the money. Accused No.2 gave bad signal to her husband when she was not at home. On 26/09/2022 accused No.1 told her that he married another women and did not return back home since.

The learned counsel submitted that the accused is innocent and did not commit any kind of offence against his wife. The wife of petitioner left the house

of petitioner No.1 for some personal issued. The petitioners are the local persons and there is no possibility of absconding. Hence, prays to allow him on pre arrest bail.

Heard learned PP, charge sheet has been filed and original PRC record has been received. Perused the PRC record and there is also a copy of agreement between both the parties regarding their mutual understanding. Therefore the custodial detention of the accused petitioners namely Harmuj Ali, Jeherul Ali and Hasina Bibi is not required. The accused/ petitioners namely Harmuj Ali, Jeherul Ali and Hasina Bibi are directed to appear before the I/O within 5 days from today and cooperate with the investigation. In the event of their arrest, IO is directed to release the accused petitioners on bail of Rs. 20,000/- (Rupees twenty thousand) each with a surety of the like amount to the satisfaction of the arresting authority in connection with above noted P.S. Case.

Accused persons namely Harmuj Ali, Jeherul Ali and Hasina Bibi are directed to appear before the learned trial court on 11/01/2023 without fail.

This misc case is disposed of.

Return the PRC Case record.

Sessions Judge
Nalbari