

Case No:-Bail Application 02 of 2022.

Present :- G. Sarkar.
Sessions Judge,
North Tripura, Dharmanagar.

Case No:-Bail Application 02 of 2022.

Sl. No.02.
08-10-2021.

The application under section 438 of Cr.P.C., 1973 filed by (1) Mst. Amirun Nessa, wife of Suraj Ali, (2) Mst. Sarifa Begm, wife of Late Sabbir Hussen, daughter of Suraj Ali and (3) Dilwar Hussen, son of Suraj Ali, all are resident of West Baghan, PS- Kadamtala, North Tripura District and (4) Nur Hussen, son of Anchar Ali of Fulbari, PS- Churaibari, North Tripura District through Ld. Counsel, Mr. S. T. Ahmed in connection with case no. 2021 KDL 049 for the commission of offence punishable under section 498A/302/34 of IPC is taken up for hearing.

Ld. Counsel, Mr. S. T. Ahmed is present for the accused-petitioners.

Ld. Public Prosecutor is present for the prosecution with the case diary. L. C. Record is also placed.

The brief fact of the case is that Md. Abdul Hamid, son of Late Idrich Ali of Sabajpur, PS- Dharmanagar, North Tripura District lodged an "Ejhar" with the Officer-in-charge, Kadamtala Police Station to the effect that the marriage between his daughter Rajmina Begam and accused Md. Abul Hussen was solemnized on 31-03-2021 as per Islamic rites and customs and after marriage she went to her matrimonial home and started living there as husband and wife. After marriage accused Abul Hussen with the instigation of the other accused persons named Mst. Amirun Nessa, Mst. Sarifa

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Begam, Md. Dilwar Hussen and Md. Nur Hussen demanded an E-Rickshaw to be brought from her parents. When his daughter came at "Naiyor" she also stated about giving of the E-Rickshaw to accused Abul Hussen but as the complainant failed to fulfill their demand due to his poverty all the accused persons started torturing his daughter physically and mentally. Accused Md. Nur Hussen used to visit the house of the accused persons and also instigated them to assault Rajmina Begam. It is also stated that all the accused persons conjointly assaulted his daughter severely and she informed the complainant about the torture made by the accused persons upon her.

Thereafter on 15-05-2021 when the complainant came to the matrimonial house of his daughter for taking her as "Naiyor" then the accused persons did not allow her to go at "Naiyor" rather the accused persons abused the complainant with slang languages and ousted him from their home. It is also stated that accused persons named Abul Hussen, Dilwar Hussen and Nur Hussen used to reside at Bangalore but at the time of lockdown they came home and accused Abul Hussen several times tried to kill Rajmina Begam by pressing pillow on her mouth. As accused persons Ms. Amirun Nessa and Mst. Sarifa Begam used to torture Rajmina Begam physically and mentally on 26-08-2021 she was taken to Bangalore by the elder son of the complainant, Abdul Rashid and there she was residing with her husband.

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On 12-09-2021 at about 12.30 P.M. the elder son of the complainant, Abdul Rashid went to the house where Rajmina Begam and her husband used to reside and saw that accused Abul Hussen was assaulting Rajmina Begam and Abdul Rashid tried to resist Abul Hussen but accused Abul Hussen also assaulted him and then Abdul Rashid saw that accused persons named Dilwar Hussen and Nur Hussen also entering into the house of the accused Abul Hussen. Thereafter on 12-09-2021 at about 02.00 P.M. accused Abul Hussen informed the complainant that his daughter Rajmina Begam died by hanging.

The Ld. Counsel Mr. S. T. Ahmed appearing on behalf of the accused-petitioners submits that the accused-petitioners are innocent and they have been falsely implicated in this case. It is further submitted that just to harass the accused-petitioners the instant case is lodged and they have no complicity with the alleged commission of offence, as such, if the accused-petitioners are granted privilege in view of section 438 of Cr.P.C. they shall not misuse the liberty and shall co-operate with the investigation.

On the other hand, Ld. PP fairly submits that considering the materials available in the case record, the prayer may be rejected.

I have gone through the lower court record and the investigation report meticulously as well as heard both sides at length.

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On perusal of the investigation report it reveals that there are sufficient incriminating materials against the accused persons available in the case diary.

Moreover, the applications of the accused-petitioners under section 438 of Cr.P.C. which were registered as Bail Application No. 107 of 2021 and Bail Application No. 109 of 2021 were rejected considering all aspects of this case and there is no new ground advanced by the Ld. Counsel of the accused-petitioners.

Considering the incriminating materials available in the case diary and also considering the nature and gravity of the offence, this court is of the view that this is not a fit case to allow pre-arrest bail to the accused-petitioners and thus the petition is rejected.

In the light of aforesaid, the application is dismissed and disposed of on contest.

Return the case diary and the lower court record with a copy of this order.

ANNOUNCED

As dictated