

**12.11.2020**

The bail petition no. 750/2020 is filed u/s 439 CrPC on behalf of the accused Sri Mitaji Musahari in connection with Sootea PS Case No. 129/2020 u/s 365/313/294 IPC is taken up.

The Case Diary as called for is received.

Heard learned counsel for both the sides.

The learned counsel for the petitioner submitted that the accused is innocent and he has been under detention for more than a month.

Perused the case diary. The accused is under detention since 13.10.2020.

The victim wife has lodged the 'ejahar' dated 24.09.2020 against the accused husband stating that he eloped her on 20.03.2019 with a promise to marry her. Staying together for seventeen months, the accused left her in Kerala in the month of August, 2020 and returned back to his house. She alleged that during the time of her stay in Kerala, when she became one month's pregnant, the accused forcibly administered medicine on her resulting miscarriage of her pregnancy. He also subjected her to physical and mental torture. On 12.09.2020 he has brought another girl and has married her.

Perused the statement of the victim recorded u/s 164 CrPC along with her medical examination report. Seen the report of the Circle Inspector of Police as available in the case diary wherefrom it appears that the investigation of the case has already been completed. Considering the same, the length of detention of the accused and the materials so far collected against the accused, I find that further custodial detention of the accused is not called for. In view of the same, the petition is allowed. The accused is allowed to be released on bail of Rs.20,000/- with two sureties of the like amount to the satisfaction of the learned Elaka Magistrate on the conditions that he shall not default in his appearance before the Court and appear as and when directed.

Send back the Case Diary.

Inform all concerned. The Misc (Bail) Case is disposed of.

