

**Present: C.B. Gogoi, Sessions Judge,  
Sonitpur, Tezpur.**

**Misc.(Crl) Case No. 416/2021**

**ORDER**

**18-11-2021**

This is an application u/s 438 Cr.P.C. filed by accused/petitioner Sri Aradhan Das in connection with Tezpur P.S. Case No. 2399/2021 corresponding to G.R. Case No. 3869/2021 u/s 498(A) IPC.

I have heard the learned lawyers appearing for both sides and also gone through the contents of the case diary received today.

Learned counsel appearing for the state Sri Munin Baruah objected the bail petition contending inter alia that there is sufficient materials emerged in the case diary against the accused person attracting ingredient of the offence u/s 498(A) IPC.

On the other hand, learned counsel appearing for the accused submitted that accused never subjected torture mental or physical to his wife and demanded dowry as alleged. A false case has been filed against him only with the object to harass him. He contends that it is a fit case to grant pre-arrest bail to accused/petitioner.

Having heard the learned lawyers appearing for both sides and on careful consideration of the contents of the case diary, it transpires that there are allegations of assault on 25-10-2021 and 27-10-2021 and accused allegedly asked her to bring money from the house of her parents but there is no such specific allegation how much money has been demanded by accused in the name of dowry. The allegation made against the accused appears to be daily wear and tear between the husband and wife. The case diary do not reveal any such implicating evidence which suggest that accused subjected torture on his wife demanding dowry except verbal duel between husband and wife.

Therefore, considering the case diary, this court is of the view that accused/ petitioner deserve to be protected from arrest during investigation of the case.

Accordingly, I.O. is directed to release accused Sri Aradhan Das on bail in execution of a bond of Rs. 10,000/- (Rupees Ten Thousand) to the satisfaction of I.O., in the event, accused is arrested in connection with this case.

Inform the I.O. accordingly.

Send back the case diary in seal cover.

Accordingly, Misc(Crl.) case disposed of.

Sessions Judge  
Sonitpur, Tezpur.