

**Misc.(Crl) Case No. 455/2021**  
**ORDER**

**26-11-2021**

This is an application u/s 438 Cr.P.C. filed by accused/ petitioner Sri Khitish Sarma in connection with Tezpur P.S. Case No. 2482/2021 corresponding to G.R. Case No. 4008/2021 u/s 498(A) IPC.

I have heard the learned lawyers appearing for both sides and also gone through the contents of the FIR.


Learned counsel appearing for the state Sri Munin Baruah objected the bail petition contending inter alia that allegation against accused is commission of torture on his wife demanding dowry.

On the other hand, learned counsel appearing for the accused submitted that there is no whisper in the FIR regarding demand of dowry. It is a case of daily wear and tear between the husband and wife and it is a fit case to grant pre-arrest bail.

Having heard the learned lawyers appearing for both sides and on careful consideration of the contents of the FIR, it transpires that there was a quarrel and verbal dual between husband and wife in which accused allegedly assaulted the informant but there is absolutely no allegation that accused subjected any physical or mental torture demanding dowry.

This being the position, this court is of the view that this is a fit case to grant the benefit of pre-arrest bail. In the result, the I.O. is directed to release accused Khitish Sarma on pre-arrest bail in execution of a bond of Rs. 5000/- (Rupees five thousand only) with one local surety of like amount in the event accused is arrested in connection with the Tezpur P.S. Case No. 2482/2021.

Accordingly, Misc(Crl.) case stands disposed of.

  
Sessions Judge  
Sonitpur, Tezpur.