

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 420/2022

Md. Raisuddin @ Md. Sahar Uddin

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>03-09-22</u>	<p>This is an application u/s 438 Cr.P.C. filed by accused/petitioner Md. Raisuddin @ Md. Sahar Uddin seeking pre-arrest bail in connection with Dhekiajuli PS Case No. 161/2022 u/s 302/34 IPC corresponding to G.R. Case No. 985/2022.</p> <p>The allegation in the FIR is that accused Md. Sahar Uddin forcefully kidnapped the niece of the informant and on 01-05-2022 accused Md. Sahar Uddin along with other FIR named accused persons killed the niece of the informant by assaulting her. Hence, the case.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the case diary.</p> <p>Learned counsel for State submitted that it is a heinous crime of murder of a newly married woman by accused along with the other accused persons and there are sufficient materials emerged in the case diary against present accused. So, learned counsel submits that accused do not deserve pre-arrest bail.</p> <p>On the other hand, learned counsel appearing for the accused/ petitioner submitted that the elder brother of the accused petitioner namely Ajijul Haque has been suffering from Neurological Disorder and underwent medical treatment since last few years and there is no other adult member in the family to look after Ajijul Haque in the absence of accused petitioner. It is also submitted that the incident in question was occurred about four months ago so, there is no necessity of custodial interrogation of the accused petitioner now. Moreover, accused is a local person having his permanent resident in the jurisdiction of this court and there is absolutely no chance of absconding of the</p>	

accused petitioner and tempering evidence or hampering investigation if he released on pre-arrest bail.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of contents of the case diary, it transpires that there is clear indication in the case diary that accused/ petitioner very often subjected his wife mental and physical torture which finally compelled her to take the drastic step of committing suicide. Medical report indicates that death was due to asphyxia as a result of ante-mortem hanging.

Case diary further reveals that accused Raisuddin subjected his wife both physical and mental torture for not having been able to give birth child even after one and half years of marriage and to that affect there is formidable evidence against accused Raisuddin. Therefore, it is apparent from the case diary that accused instigated his wife by subjecting her torture both physical and mental which forced her to take drastic act of committing suicide under extreme duress which prima facie attracts the ingredients of Section 306 IPC.

Therefore, considering the nature and gravity of the offence, this court is not inclined to extend the benefit of pre-arrest to accused/petitioner Md. Raisuddin @ Md. Sahar Uddin.

In the result, bail petition stands rejected.

Send back the case diary in seal cover.

Accordingly, the bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.