

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 423/2022

Faijul Islam & 1 Anr.

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>05-09-22</u>	<p>Case is put up before me along with the case diary. The case record is withdrawn from the court of Addl. Sessions Judge, (FTC), Sonitpur, Tezpur to my court for disposal.</p> <p>This is an application u/s 438 Cr.P.C. filed by accused/petitioners Faijul Islam & Mobaraque Ali seeking pre-arrest bail in connection with Tezpur PS Case No. 2433/2017 u/s 306 IPC corresponding to G.R. Case No. 4814/2017.</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 this is a serious case where police submitted charge-sheet against accused persons and they are supposed to appear before the learned trial court but in spite of repeated issuance of summons when accused failed to appear in court learned court issued NBWA against them to secure their presence but instead of appearing before the said court, they approached this court seeking pre-arrest bail which may not be extended to the accused persons.</p> <p>On the other hand, learned counsel appearing for the accused/ petitioners submitted that the present accused petitioners are innocent. They are not involved in the alleged offence but police wrongly submitted charge-sheet against them. The allegation was basically against accused Mofijul Islam only. Therefore, learned counsel contends that both the petitioners can be enlarged on pre-arrest bail.</p> <p>Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of contents of the case diary including the contents of the FIR, it transpires that the</p>	

allegation is against accused Mofijul Islam who allegedly married the deceased, stayed with her for few days as husband and wife, executed Marriage Agreement but subsequently, married another girl. Even then, accused again disturbed the deceased and threatened her for which she committed suicide.

As it seems, except mentioning the word family members marrying the accused with another girl, no other allegation is there against any of the present accused petitioners.

Situated thus, it appears that charge-sheet has been laid by police against the accused petitioners being the family member of Mofijul Islam.

Prima facie allegations against the present two accused petitioners appears blurred and in the nature of apprehension of involvement only.

Situated thus, in the event of appearance of both the accused before the learned court on the date fixed, they shall be released on bail of ₹10,000/- (Rupees Ten Thousand) only each with one local surety of like amount each i/d jail to the satisfaction of learned concerned Magistrate.

Send back the case diary in seal cover.

Accordingly, the bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.