

**Krishna Kamal Bora Vs State of Assam**

19.09.2022

Today was fixed for C/D and hearing.

C/D received.

Perused the C/D. Heard Id. APP and Id. counsel for the petitioner.

The brief facts as stated in the FIR is that, the informant Smti Sabitri Hazarkia got married to the accused Sri Krishna Kamal Borah of Rangapara Naharani Gaon. But since after marriage Sri Krishna Kamal Borah and his mother Smti Champa Borah started to subject the informant to mental and physical cruelty by demanding money and dowry. On 28-08-22 the husband and mother-in-law of informant have assaulted the informant for the whole night on demand of money and other dowry and also tried to kill the informant by strangling her neck. The informant somehow saved her life by fleeing away and took shelter at her parental house. The accused had threatened the informant to kill her by setting fire on her body, if she again go back to her matrimonial house.

It appears from materials available in the record as well as the C/D that in the statements of independent witnesses materials concerning physical violence is not found, although the witnesses have stated about altercations between the informant and her husband. None of the independent witnesses stated about the mother-in-law of the informant. From the circumstance appeared in the CD it appears that custodian detention of the accused persons are not required for the investigation of the case. On the other hand, if the accused are directed to appear before the IO

and to co-operate the investigation, it will serve the purpose better.

Apart from that, the accused are local persons one of whom is a lady. Hence, there is no chance of their absconding. In view of the above facts, the BP is allowed. The accused Sri Krishna Kamal Borah and Smti Champa Borah are granted pre-arrest bail. In the event of arrest of the accused/petitioners above named, in connection to Rangapara PS case No.119/2022, they shall be released on furnishing bail bond of Rs. 20,000/-, each, with a local surety of like amount, to the satisfaction of the arresting authority; subject to the conditions that:

- a) The accused shall make themselves available before the I/O within 10 days from today and shall co-operate with the investigation;
- b) The accused shall not hamper and tamper with the investigation and the evidences;
- c) The accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the court or to any police officer.
- d) The accused shall not directly or indirectly threaten the victim or shall not subject her to any kind of cruelty.
- e) The accused shall not abscond.

Send back the C/D along with a copy of this order.

Misc. (Crl) case is disposed of accordingly.