

**ORDER SHEET FOR MAGISTRATE'S RECORDS. Adv: J. Neog**

**DISTRICTS : SONITPUR**

**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**

**MISC. (CRIMINAL (Bail) Case No. 539 of 2022**

**Manoj Paul, petitioner VS. STATE OF ASSAM.**

Sl. No.	Date	<u>order</u>	Signature
	<b><u>02-11-22</u></b>	<p>This is an application u/s 438 Cr.P.C. filed by petitioner/accused Manoj Paul, seeking pre-arrest bail, in connection with Tezpur PS Case No. 1038/2022, u/s 498(A)/420/342/376 of IPC, corresponding to GR Case No. 1986/2022.</p> <p>The allegation in the FIR is that on 09-02-2014 Manoj Paul, S/O Paresh Paul of Kolibari, Tezpur married the informant as per social rites and customs and at the time of marriage, parents had given valuable furniture and cash, as a result of their union a girl child was also born to them but even then accused has been subjecting her torture demanding dowry and in the year 2020 accused instituted a divorce proceeding in the court by keeping her in dark by taking her signatures in blank papers. It is also alleged that accused did not allow her to contract her family members and relatives and in the year 2021 accused informed her that he obtained divorce. Nevertheless, accused allegedly subjected her torture till June,2022. Since, the accused obtained decree of divorce by playing fraud on her, hence, the case.</p> <p>I have heard the learned lawyers appearing for both sides. I have also gone through the contents of the</p>	

case diary which reveals that a mutual decree of divorce had been granted by this court on 12-03-2021 in TS(M) No. 76/2020. The case diary further reveals document which shows that both sides moved the application for mutual decree of divorce u/s 13 B of Hindu Marriage Act, 1955 and both have signed on the said application accompanied with affidavit which was also signed by both sides. Though there is allegation of playing fraud on the informant but on the face of record of the court, prima-facie it cannot be said that such a tactic has been adopted by accused. Case diary nowhere reveals any attempt has been made by I.O. to collect evidence of alleged fake by taking steps for sending the admitted signature of the informant and with that of the specific signature of the information.

Therefore, considering all the attending factors, this court is of the view that this is a case wherein the benefit of pre-arrest bail can be extended to the petitioner. Consequently, the Investigating Officer of concerned PS is directed to release the petitioner/accused Manoj Paul on pre-arrest bail in execution of a bond of Rs 20,000/- (Rupees Twenty thousand) only to his satisfaction in the event of his arrest in connection with Tezpur PS Case No.1038/2019.

Accordingly, the pre-arrest bail petition stands disposed off.

Let the case diary be returned with seal cover.

Sessions Judge,  
Sonitpur, Tezpur