

AB 3031/2011

BEFORE

HON'BLE MR JUSTICE P K MUSAHARY

Heard Mr A T Sarkar, learned counsel for the accused petitioners. Also heard Mr B S Sinha, learned Additional Public Prosecutor for the State of Assam.

The accused petitioner Nos. 2, 3, 4 and 5, are in-laws of the informant wife. The accused petitioner No. 1 is the husband of the informant.

The connected Case Diary in connection with Tarabari PS Case No. 90 of 2011 (GR Case No. 1389 of 2011), under Sections 498-A/34 of the Indian Penal Code, has been produced today. On perusal of the same, I find that the Investigating Officer has examined several local witnesses. The accused petitioner, in the meantime, has married another woman without bothering for the informant and fate of the children. However, I have found no material against the accused petitioner Nos. 2, 3, 4 and 5.

In view of the above, the interim bail order in respect of the accused petitioner Nos. 2, 3, 4 and 5, namely, Amela Begum, Jehar Sikder, Julhash Sikdar and Maleka Sikdar, in connection with Tarabari PS Case No. 90 of 2011 (GR Case No. 1389 of 2011), under Sections 498-A/34 of the Indian Penal Code, is hereby made absolute on the same terms and conditions and other conditions prescribed under Section 438 (2) of the Code of Criminal Procedure, 1973.

In view of the materials found against the accused petitioner No. 1, namely, Mahar Sikdar, his prayer for anticipatory bail is rejected. However, liberty is given to him to surrender before the learned CJM, Barpeta, in connection with Tarabari PS Case No. 90 of 2011, within a period of 15 days from today. During this period of 15 days, in the event of arrest of the petitioner Mahar Sikdar, he shall be enlarged on bail of Rs. 15,000/- with one surety of the like amount, in connection with Tarabari PS Case No. 90 of 2011 (GR Case No. 1389 of 2011), under Sections 498-A/34 of the Indian Penal Code, to the satisfaction of the arresting authority, on conditions prescribed under Section 438 (2) of the Code of Criminal Procedure, 1973.

With the aforesaid directions, this Bail Application, accordingly, stands disposed of.