

AB 788/2016

BEFORE

HON'BLE MR. JUSTICE PARAN KUMAR PHUKAN

Heard Mr. A. J. Atia, learned counsel appearing for the petitioner and also heard Ms. B. Saikia, learned Addl. PP, Assam.

This application u/s 438 CrPC has been filed by the petitioner, namely, Md. Abu Naser, praying for pre arrest bail in connection with Nagaon Sadar P.S. Case No. 787/2016 registered u/s 448/294/354/341/325/506 of the IPC.

The accusation against the accused petitioner is that he ill treated and misbehaved with the informant and her husband and when they protested they were assaulted. The case has been registered on the strength of the FIR lodged by the informant alleging therein that the accused petitioner who is the brother of her landlord used to visit her during the absence of her husband and tried to molest her and when she and her husband protested both of them were assaulted. Learned counsel for the petitioner submits that the accusations are totally false and baseless. The accused who is the brother of the landlord asked for rents from the informant and due to this reason a false case has been filed against him. It is submitted that they have not paid house rent for several months and when the brother of the landlord asked for rent he was misbehaved and thereafter this false case has been filed. The order of the learned Addl. Session Judge No. 1, Nagaon reveals that the pre arrest bail prayer of the accused was rejected as the investigation was not completed. This cannot be ground for rejection of the bail prayer.

Considering the entire aspect of the case and the facts and circumstances of the case and the submissions advanced by the learned counsel appearing for the accused petitioner I am of the considered view that this is a fit case to extend the privilege of section 438 CrPC to the accused petitioner and accordingly it is directed that the accused petitioner in the event of his arrest shall be released on bail of Rs. 10,000/- with one local surety of the like amount to the satisfaction of the arresting authority on condition that he will appear before the IO within period of 5 days from today and shall cooperate with him in the investigation of the case.

Bail application is disposed of.