

05.11.2020

The bail petition no. 722/2020 is filed u/s 438 CrPC by the petitioners, Sri Ukil Basumatary, Sri Sunnilal Basumatary, Sri Nijwn Basumatary, Sri Kumar Basumatary, Sri Dwithun Basumatary, Sri Ranju Syamala Doimary, Sri Prakash Basumatary, Jyoti Doimari, Sri Sankarsh Narzary and Sri Udoy Basumatary in connection with Gohpur PS Case No. 376/2020 u/s 143/447/427/506/379 IPC apprehending arrest in the instant case.

Heard learned counsel for both the sides.

The learned counsel for the petitioner submitted that the petitioners are innocent but they apprehend arrest by police in this case.

The case diary as called for is received.

The informant in her 'ejahar' dated 06.10.2020 stated that on the same day at about 1.30 pm, when her husband was away, the accused petitioners criminally trespassed into her house being armed with lathi and sharp weapons, rebuked her and the other inmates of her house with filthy language. The accused petitioners broke their TV and other articles, threatened to kill her along with her husband and forcibly taken away a sum of Rs. 32,000/- from an almira.

The witnesses examined by the Investigating Officer are found to have contradicted the 'ejahar' with regard to the place from which the money as alleged have been taken away by the accused petitioners.

Considering the materials so far collected against the accused petitioners as revealed by the case diary and the allegations leveled against them, I find that custodial interrogation of the accused persons is not warranted. This is a fit case wherein the benefit of pre-arrest bail can be extended to the accused petitioners. Hence, the petition is allowed.

Accordingly, the O/C of Gohpur P.S. is directed to release the petitioners in the event of their arrest in connection with the instant case, after obtaining bail bonds of Rs.10,000/- each with one surety of the like amount on the conditions that- (1) the petitioners shall surrender before the O.C. of the concerned P.S. within two days, (2) the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required, (3) they shall not hamper the investigation or tamper with the evidence of the case, (4) they 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 the Investigating Officer.

Inform the O/C of the concerned P.S.

Send back the case diary.

The Misc. Case is disposed of, accordingly.