

**12.02.2021:**

The bail petition no. 249/2021 filed u/s 439 CrPC on behalf of the accused Sri Dipjyoti Das in connection with Biswanath Charial PS Case No. 25/2021 u/s 338/326/307 IPC is taken up as the case diary as called for is received.

Heard learned counsel for both the sides.

It has been submitted by the learned counsel for the petitioner that the accused is innocent and he has not caused any hurt as alleged to the informant.

Perused the case diary.

The accused has been under detention since 30.01.2021.

The informant in his 'ejahar' dated 29.01.2021 stated that on the same day at about 4.10 pm, when he was on his way to his tuition classes from his house, an E-Rickshaw being driven by the accused hit his motor cycle by coming from the opposite direction. When inquired, the accused got down from his vehicle and straightway struck him with a key on his head and thereby tried to kill him.

The case diary reveals that the Investigating Officer is yet to collect the medical injury report of the victim. However taking note of the allegations made in the FIR, materials so far collected and the length of detention of the accused, I find that further custodial detention of the accused is not called for. Hence the petition is allowed.

The accused is allowed to go on bail of Rs.10,000/- (Rupees Ten thousand) with one surety of the like amount to the satisfaction of the learned Elaka Magistrate on the conditions that i) he shall make himself available before the Investigating Officer as and when required to help him in the investigation of the case ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so to dissuade him/her from disclosing such facts to the Investigating Officer or tamper with the evidence.

Return the case diary. The Misc. Case is disposed of accordingly.

Inform all concerned.

