

Misc.(Crl) Case No. 251/2021**ORDER****10-08-2021**

Seen petition No. 816/2021 filed by Mursida Begum seeking bail for accused Jahiruddin @ Jahir Ali, in connection with Tezpur PS case No. 1049/2021 u/s 457/342/392/34 IPC.

I have heard the learned lawyers appearing for both sides and also gone through the contents of the case diary received today.

Learned counsel appearing for the State submitted that it is a serious case of dacoity and many of the co-accused are yet to be arrested by police. Therefore, accused may not be released on bail at this stage as it will hamper further investigation in the case.

On the other hand, learned counsel Sri Babul Borthakur appearing for accused submitted that so far accused has been in judicial custody for 56 days. Therefore, considering the period of detention in judicial custody learned counsel press for bail.

Having heard the learned counsels appearing for both sides and on careful consideration of the case diary, it transpires that so far I.O. got sufficient time for investigation and collection of evidence against the culprits involved in the alleged offence. The maximum detention of an accused for an offence u/s 392 is 60 days during the course of investigation to facilitated the I.O. to complete the investigation. But, in the instant case, as it transpires, till today, accused has spent 56 days in judicial custody and there is only four days remains to complete the statutory period of investigation. The only prayer of the I.O. is that if the accused is enlarged on bail, it will cause hindrance in further investigation which is not sufficient to deny bail to a person who has already spent considerable time (56 days) in judicial custody.

As it appears, investigation has almost been completed. Therefore, if accused is enlarged on bail it will not cause any prejudice to the interest of investigation.

Situated thus, accused Jahiruddin @ Jahir Ali is enlarged on bail of Rs. 30,000/- (Rupees Thirty Thousand) only with one local surety of like amount to the satisfaction of learned Elaka Magistrate I.D. jail.

Let the case diary be sent in seal cover.

Accordingly, petition is disposed off.

Sessions Judge
Sonitpur, Tezpur