

**Present Mr. C. B. Gogoi, Sessions Judge,
Sonitpur, Tezpur
Misc.(Crl) Case No. 257/2021**

ORDER

18-08-2021

Seen petition No. 825/2021 filed by Smti Mun Mun Borah seeking bail for accused Debajit Bhuyan @ Sanu and Dipon Borah in connection with Tezpur PS Case No. 1042/2021 u/s 302/325/34 IPC.

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

Learned counsel appearing for the State submitted that this court has twice rejected the bail prayer after going through the case diary and taking note of the nature and gravity of the offence alleged and this is the third petition seeking bail which do not deserve consideration.

On the other hand, learned counsel appearing for the accused persons contended that he is not going to submit anything on merit as this court has already rejected the bail prayer of the accused on 21-06-2021 and 17-07-2021.

Learned counsel F Haque contended that accused has been in judicial custody for about 53 days till date and there is nothing to be investigated in the case. Therefore, learned counsel submitted that based on the length of detention court may consider granting bail to the accused persons.

Having heard the learned lawyers appearing for both sides and on careful perusal of case diary, it transpires that since 19-06-2021 till today no investigation worth the name has been made. Moreover, there is nothing in the case diary to show that further detention of the accused persons in judicial custody is required and also to show that any further evidence is required to be collected.

As it appears, from the case diary the investigation has almost been completed and in the meantime as contended by the learned counsel since the date of arrest of accused persons on 26-05-2021 it is almost 84 days.

Apart from this both the accused person are local persons and there is no chance of their absconding in the event they are enlarged on bail.

Therefore, considering all the factors including the period of detention, both the accused namely, Debajit Bhuyan @ Sanu and Dipon Borah are enlarged on bail of Rs. 20,000/- (Rupees Twenty Thousand) each with one local surety each of like amount to the satisfaction of the learned Elaka Magistrate.

Send back the case diary in seal cover.

Accordingly, Misc(Crl.) case stands disposed off.

Sessions Judge
Sonitpur, Tezpur