

25.11.2020:

The bail petition no. 758/2020 filed u/s 439 CrPC on behalf of the accused Sri Mahesh Garh @ Ghisu and Sri Santosh Nayak @ Lefa in connection with Biswanath Chariali PS Case No. 225/2020 u/s 447/302/34 IPC is taken up as the case diary as called for is received.

Heard learned counsel for both the sides.

The learned counsel for the petitioner submitted that the accused Mahesh is in custody for last 87 days while the accused Santosh is in custody for last 86 days. He submitted that considering the length of detention of the accused, they may be enlarged on bail.

The learned Addl. P.P. has not raised any objection.

The accused Mahesh has been under custody since 29.08.2020 and the other accused is under detention since 01.09.2020. As such they are under detention for last 87 and 85 days. Perusal of the case diary shows that the investigation of the case has progressed considerably. However, the post-mortem report of the victim is yet to be collected.

Considering the materials so far collected, the progress of investigation of the case and the length of detention of the accused persons, the petition is allowed.

The accused are allowed to be released on bail of Rs.20,000/- (Rupees Twenty thousand) each with two sureties of the like amount to the satisfaction of the learned Elaka Magistrate on the conditions that i) the accused shall make themselves available before the Investigating Officer as and when required to help him in the investigation of the case, ii) they 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.

