

Present:- Sri N. J. Haque, CJM, Sonitpur, Tezpur

Tezpur PS Case No-1385 of 2021
GR Case No. 2271 of 2021
U/S-507 of IPC R/W Sec-67(A) of I.T Act

ORDER

07.08.2021

Ld. Advocate of the accused person, named, Md. Wahidul Islam filed hazira.

Case diary as called earlier vide order dated-22.07.2021 is received today.

Heard both the sides and perused the case diary meticulously.

By this order this Court proposed to dispose of the bail application filed for the accused person, named, Md. Wahidul Islam, who is languishing in judicial custody since from 07.07.2021 in connection with this case registered u/s-507 of IPC R/W Sec-67(A) of I.T Act.

On perusal of the entire case record, it disclosed that the instant prosecution case sets in motion against the above named accused person named Md. Wahidul Islam on filing an ejahar by the informant named Sri Jaan Devi on 06.07.2021 alleging inter-alia that the above named accused person was working in the house of the informant as mason. It is also alleged by the informant that on 02.07.2021 the above named accused person forcefully tried to make video call from his mobile No-6003408282 to her minor daughter's No-8822658737 and threatened her to show her private part to him on video call.

Accordingly, Tezpur PS Case No-1385 of 2021 was registered u/s-507 of IPC R/W Sec-67(A) of I.T Act.

On careful perusal of the case diary, it also disclosed that the investigating officer has apprehended the above named

07.08.2021

accused person and produced him before this court on 07.07.2021 and since from then the said accused person is languishing in judicial custody.

On 17.07.2021 and 19.07.2021, the court has perused the case diary to decide the bail application of the above named accused person and consequent to that the prayer of bail was rejected. Today, the case diary is called for to decide the bail application filed on behalf of accused person.

Today, on careful perusal of the case diary, this court finds that since from 08.07.2021, there was no further advancement in the investigation conducted by the I/O. The accused person is languishing in judicial custody since from around 32 days and the offence is related section-507 of IPC R/W Sec-67(A) of I.T Act and the I/O has already got sufficient opportunity to unearth the truth holding an investigation and nowhere in the case diary. It also disclosed that the I/O conducted further investigation from the date of 08.07.2021.

The I/O has already recorded the statement of all the material witnesses and the investigation is pending at the advance stage. Since the statement of all the material witnesses were been recorded by the I/O and the case is pending at advance stage of the investigation, the court finds that at this stage release of the accused person from the judicial custody shall not hamper the investigation.

At this stage without entering in the merits of the entire alleged occurrence this Court finds that at this stage release of accused noway going to hamper the investigation. Therefore, considering all the aspect this Court finds sufficient ground to allow the bail application of the accused person. Accordingly, considering the period of detention of

07.08.2021

accused Md. Wahidul Islam in judicial custody and the materials available on record, accused person, named, Md. Wahidul Islam is allowed to go on bail of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety of like amount and failing of furnishing the surety the accused shall remain in judicial custody as fixed earlier.

In the event of his release from the judicial custody, the accused shall comply with the following conditions:-

- i) The accused person shall not hamper or temper the investigation of the I.O.
- ii) The accused shall not leave the local jurisdiction of the Court without prior permission of the O/C concerned PS.
- iii) The accused shall co-operate with the I/O till the I.O concludes his investigation.
- iv) The accused person shall not repeat similar offence.

Return back the case diary to the I/O.

Inform all the concerned.

Sri N. J. Haque
Chief Judicial Magistrate
Sonitpur, Tezpur