

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

Dhekiajuli PS Case No-467/2021

GR Case No-2737/2021

U/S-67 of IT Act

ORDER

23.08.2021

Accused person, named, Md. Wahidur Zaman Alam is produced today before the Court on completion of his police remand.

Seen the report of forwarding and medical report.

On perusal of the entire case record, it disclosed that today the accused person was duly undergone COVID-19 test where he tested negative. Considering the nature of alleged offences this court finds sufficient reason to send the accused person in judicial custody at this stage.

Seen the bail petition bearing No-531/2021 filed for the accused named Samsul Alom praying for bail of accused Md. Wahidur Zaman Alam. Bail petition filed in support with an affidavit.

Heard both the sides and perused the petition with the case record.

On perusal of the case record it unveiled before this court that criminal law sets in motion closely on lodging an ejahar by the informant Papori Baruah alleging that on 15.08.2021 at about 8 AM, she faced harassment through messages on whatsapp and also threatened her to published nude pictures and destroyed her reputation.

Accordingly, Dhekiajuli PS Case No-467 of 2021 was registered u/s-67 of IT Act and during investigation the I/O has apprehended the above-named accused person and produced him before this court on 19.08.2021 and thereafter, he was allowed to go on police remand. Today, the said

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accused produced before the court on completion of his police remand.

On meticulous perusal of the settled provision of Information Technology Act, this court finds that as per Section-77 (B) of IT Act, the offence punishable with imprisonment of 3 years shall be bailable. Section-67 of IT Act provides the punishment to the extent of 3 years for the first offender and in case of second offence the punishment prescribed upto 5 years with fine.

Also on meticulous perusal of the ejahar as well as the entire case record nowhere it is seen that the offence allegedly committed by accused appears to be a first offence and there is no whisper in respect of the fact of second or subsequent offence. Hence, in this case the alleged prosecution story falls under first part of Section-67 of IT Act which is punishable upto the extent of 3 years and the same is bailable in light of Section-77 (B) of IT Act.

Therefore, considering all the aspect, this court finds that the accused is entitled to get the bail as a matter of right and accordingly, accused Md. Wahidur Zaman Alam is allowed to go on bail of Rs. 10,000/- (Rupees Ten 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.

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- (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