

Misc. (Bail) Case No. 89 of 2021.

11.08.2021.

Seen Bail Petition No.392/21 filed by petitioner Mustt. Roymon Khatun u/s. 439 Cr.P.C in connection with Biswanath Chariali P.S. Case No.61/2018 u/s. 363/365/371/34 IPC praying for bail of accused Md. Abul Ali on the grounds that the present accused is not involved in the alleged offence in any way but he was arrested on mere suspicion on 26.05.2021 only on the basis of the statements of co-accused Ajay Bhumiz and Masum Bhumiz out of whom Sri Ajoy Bhumiz used the mobile handset of the present accused while he was working under him for construction. As such police got more than sufficient time to complete the investigation. The accused is a permanent resident of his locality and shall not hamper or tamper with the investigation and evidence of the case and also shall regularly appear before the Court if released on bail.

Heard the learned counsel for both sides.

Learned counsel representing the accused reiterating the grounds of bail petition submitted that the case is of the year 2018 and the co-accused were arrested and they were enlarged on bail long back but the present accused has been arrested only 26.05.2021 and it is now 78 days the accused is in jail hazot. So police got sufficient time to investigate the case. Hence, prayed for release of accused on bail.

Learned Addl. P.P submitted that there is clear incrimination against the accused Abul Ali but considering the period of detention, bail may be granted to the accused.

Received the case diary.

Perused the case diary and going through the same it appears that there are sufficient incriminating materials against accused Abul Ali whom has not only been arrested on 26.05.2021 but also taken in police custody but one of the victim namely Priya Bhumiz is yet to be recovered. Fact remains that the case has been registered in the year 2018 and since then investigation of the case is going on but the case diary is not updated accordingly.

Considering the above aspects of the matter, submissions of the learned counsel for both sides, period of judicial custody of the accused and also never ending approach of investigation, prayer of bail of accused Abul Ali is allowed. He is allowed to go on bail on furnishing bail bond of Rs.25,000/- with two local sureties of like amount i/d hazot to the satisfaction of learned SDJM(M), Biswanath Chariali with the following conditions:

- (a) that the accused person shall not commit an offence similar to the offence of which he is accused,
- (b) that the accused person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence, and
- (c) shall not leave the territorial jurisdiction of this Court without prior permission.
- (d) shall appear before the Addl. S.P, Biwanath Chariali being the supervisory officer of the investigation once in fortnight till completion of the investigation.

Return the C.D.

Let a copy of this order be sent to learned SDJM(M), Biswanath Chariali.

Inform Addl. S.P, Biswanath Chariali and the I/O accordingly.

With the above order this bail petition stands disposed of.