

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

Tezpur PS Case No. 713/2021  
GR Case No. 1147/2021  
Under section-397 of IPC

ORDER

04.08.2021

C.R put up today along with bail petition no-455/21 filed by the petitioner named, Must. Azufa Begum praying bail of accused person, named Md. Sohar Ali. The instant 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 named Sri Naba Kanta Das on 05.04.2021 before the O/C of Tezpur PS through Bihaguri Police Outpost alleging that on 04.04.2021, while his driver named Sri Niranjan Nath was proceeding from Golaghat Soropathar towards Barpeta road in his Bolero vehicle bearing Regd. No-AS-15/AC-1520 and when he reached near Niz-Bihaguri at about 2 AM over National Highway-15 a group of 7-8 numbers of unknown culprits who were coming in a Swift Dzire vehicle restrained his Bolero vehicle and physically assaulted him. It is also alleged that the said group of persons forcefully took away the said Bolero vehicle from him.

Subsequently, Tezpur PS Case No. 713 of 2021 was registered under section-397 of IPC and thereafter, the I/O produced the accused person, named, Md. Sohar Ali before the court on 25.06.2021 after showing him to be the arrested accused person in

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this case as the said accused had already arrested in another case vide Tezpur PS Case No-1049 of 2021 under section-392/457/342 of IPC and thereafter, he was allowed to go on police custody for a period of 02 (Two) days and consequent to that on 28.06.2021 the said accused person again produced before this court after completion of 02 days police custody and since from then the said accused is languishing in judicial custody.

At this stage without entering into the merits of entire dispute in hand this court finds that the investigation is pending at premature stage.

The alleged offence is non-bailable and cognizable in nature. The nature of alleged offence deserves meticulous investigation. More also, the I.O also deserves a fair chance to open the entire jacket from the alleged incident holding a proper and comprehensive investigation.

Therefore, bearing in mind all the aspect this court not finds anything sensible upon which the bail prayer of accused may be considered at this stage. More also, release of the accused person from judicial custody may hamper and temper the investigation of this case.

Hence, in the result bail prayer of the accused person, named, Md. Sohar Ali stands rejected due to devoid of any merits.

Inform all the concerned.

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