

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

Tezpur PS Case No. 132 of 2021

GR Case No. 210 of 2021

U/S-380 of IPC

ORDER

09.02.2021

Ld. Advocate of the accused persons, namely, Md. Abed Hussain and Md. Amir Hussain filed hazira.

Case diary as called earlier vide order dated-30.01.2021 is received today.

Heard both the sides and perused the case diary meticulously.

On perusal of the entire case record, it disclosed that the instant prosecution case sets in motion against the above named accused person on filing an ejahar by Sri Rajesh Singh on 18.01.2021 alleging inter-alia that on 17.01.2021 at night some unknown culprits have criminally trespassed into his store room situated at Chawk Bazar, Tezpur by breaking the lock of the said store room and stolen away the articles, which are valued approximately Rs. 9,00,000/-. Accordingly, Tezpur PS Case No-132 of 2021 was registered u/s-380 of IPC and during investigation the I/O has apprehended accused persons, namely, Md. Abed Hussain and Md. Amir Hussain and thereafter, they were allowed to go on police custody for a period of 03 (Three) days and consequent to that on 30.01.2021 both the accused persons again produced before this court after completion of 03 days police custody and since from then both the accused persons are languishing in judicial custody.

On scrupulous perusal of case diary, it also disclosed that the I/O collects substantive implicating materials against the accused persons regarding their involvement with the alleged occurrence and the nature of allegation deserves a meticulous investigation from the I/O. It disclosed from the case diary that three numbers of accused persons, who are also involved with the alleged offence

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yet to be apprehended and also the stolen articles were not yet recovered. Since the nature of accusation in respect of theft of a huge amount of articles, the I/O deserves a fair chance to unearth the truth from the concealed facts holding a meticulous investigation.

Therefore, at this stage without entering into the merits of entire dispute in hand this court finds that at this stage release of both the accused persons from the judicial custody may produce possibilities of hampering and tempering the investigation of I/O. Therefore, bearing in mind all the aspect this court not finds anything sensible upon which the bail prayer of accused persons, namely, Md. Abed Hussain and Md. Amir Hussain may be considered at this stage as the investigation of I/O is pending at initial stage.

Hence, bail prayer of the accused persons, namely, **Md. Abed Hussain and Md. Amir Hussain** stands rejected due to devoid of any merits.

Return back the case diary to the I/O.

Inform all the concerned.

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