

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

Tezpur PS Case No. 2466 of 2020

GR Case No. 3990 of 2020

U/S-454/380 of IPC

ORDER

10.02.2021

Ld. Counsels of the accused persons, namely, Md. Nurjamal Ali and Md. Riyajul Haque filed hazira.

Case diary as called earlier 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 persons on filing an ejahar by Sri Dwipen Kumar Borah on 25.12.2020 alleging inter-alia that on 24.12.2020 during day time, some unknown miscreants entered into his house situated at Niz Haleswar Gaon by breaking the lock of his house and stolen away an amount of Rs.1000/-, one golden ear ring, 02 nos of Mukuta and one anroid mobile handset vide IMEI No-864093032949414 and 864093031949422.

Accordingly, Tezpur PS Case No-2466 of 2020 was registered u/s-454/380 of IPC and during investigation the I/O has apprehended the accused persons, namely, Md. Nurjamal Ali and Md. Riyajul Haque and produced before this court on 19.01.2021 and since from then both the accused persons are languishing in judicial custody.

On scrupulous perusal of case diary, it disclosed that no any substantive materials collected by the I.O against both the accused persons, who are languishing in judicial custody. It also disclosed that the I/O during investigation recorded the statement of almost all the material witnesses. It is also disclosed that the I/O has already recovered one mobile phone allegedly using the same by one of the accused. More also, the accused persons admittedly not appears to be an FIR named accused persons and the instant case

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is pending at advance stage of the investigation, the court finds that at this stage release of the accused persons, namely, Md. Nurjamal Ali and Md. Riyajul Haque from judicial custody shall not hamper the investigation.

Therefore, considering the period of detention as well as the present stage of the investigation, this court finds sufficient reason to allow the bail prayer of the accused persons, namely, Md. Nurjamal Ali and Md. Riyajul Haque as release of both the accused persons shall not prejudice the investigation of the I/O.

In the result, considering all the aspect, the bail prayer of the accused persons, namely, Md. Nurjamal Ali and Md. Riyajul Haque are allowed and consequent to that both the accused persons are allowed to go on bail of **Rs. 25,000/- (Rupees Twenty Five Thousand only) each** with one surety of like amount i/d jail hajot as fixed earlier. In the event of their release, they shall comply with the following conditions:-

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

Return back the case diary to the I/O accordingly.

Inform all the concerned.

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