

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

23.02.2021

Ld. Counsel of the accused persons, namely, Md. Abed Hussain and Md. Amir Hussain 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 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 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 and recovered one mobile phone. More also, since from 06.02.2021 the I/O has failed to make any investigation in connection with this case and the accused persons

23.02.2021

admittedly not appears to be an FIR named accused persons and the instant case is pending at advance stage of the investigation, the court finds that at this stage release of the accused persons, namely, Md. Abed Hussain and Md. Amir Hussain 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. Abed Hussain and Md. Amir Hussain 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. Abed Hussain and Md. Amir Hussain 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.

Further, report of zimma as called earlier vide order dated 15.02.2021 is not received.

23.02.2021

The I/O of this case is hereby directed to submit his report regarding the zimma of seized one Samsung mobile handset positively on or before next date.

Let a copy of this order be transmitted to the I/O concerned.

Inform all the concerned.

Fixing 02.03.2021 for report.

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