

**Misc. CrI. (bail) Case No. 387 of 21**

**08-11-2021**

P.O. is on leave.

Seen the bail petition filed U/s.439 of Cr.P.C. on behalf of accused person namely Mintu Ali who was arrested in connection with Missamari P.S. case No. 87/2021 (corresponding G.R. Case No. 3146/21) U/s. 420/406/506/366/342 of the IPC R/w Sec.66(D) of the IT Act.

Heard Id. Counsel for both the sides. Also perused the order dated 2-11-21 by which the charge sheet was called for but today a report has been submitted by the Ld. Chief Judicial Magistrate, Sonitpur, Tezpur that the case has already been committed to the Ld. Court of Sessions and accordingly the case record has also been transmitted to the aforesaid Court.

I have sent for the case record which has been submitted before me from the office. Perused the same. It appears that the investigating officer has already submitted the charge sheet in this case against the accused U/s.420/406/506/366/376/342/492 of IPC.

Ld. P.P. has submitted that since the charge sheet has already been submitted, a prima facie case is made out against the accused and therefore it is desirable that the prayer for bail may be considered after framing of the charge in the case, else possibility of the accused frustrating the trial by remaining absent in the court cannot be completely ruled out.

On the other hand Id. Counsel appearing for the accused has submitted that in view of the fact of submission of the charge sheet further custodial detention of the accused cannot be justified in any legal purpose.

I have carefully considered the aforesaid submissions. It is true that since the charge sheet has already been submitted, a prima facie case is already made out against the accused but it is also true at the same time that further custodial detention of the accused in the above circumstances cannot be justified in view of the fact that the accused also needs to prepare his defence which is also a valuable right of the accused. Moreover, there is also absolutely nothing in the case record to show that there is likelihood of the accused jumping bail if he is granted bail at this stage.

8.11.21

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**02-11-2021**

Though today is the date fixed for case diary however learned counsel for accused filed a petition No. 1223/21 stating that on completion of investigation charge sheet was laid in the court of Chief Judicial Magistrate, Sonitpur, Tezpur.

In view of the above, let the charge sheet be called for consideration.

Fix 08-11-2021 for charge sheet.

  
(C.B. Gogoi)  
Sessions Judge,  
Sonitpur, Tezpur.

*R/Board  
02/11/2021*