

Misc.(Crl) Case No. 415/2021**ORDER**

**Later On,
17-11-2021**

Case diary has been received.

I have heard the learned lawyers appearing for both sides and also gone through the contents of the case diary.

The allegation in the FIR is that on 14-10-2021 the informant and others restrained the accused persons from causing disturbance by consuming alcohol in the open market set up on the occasion of Durga Puja by violating the Covid norms but accused persons named in the FIR allegedly assaulted the informant and his friends causing severe injuries to many of them. Based on the said information Dhekiajuli police registered a case being Dhekiajuli PS Case No. 602/2021 u/s 148/188/294/448/325/307/427 /269/270 IPC r/w Section 51 of DM Act.

Having gone through the case diary, it transpires that the I.O. has failed to collect any such specific evidence to show by which instrument accused have allegedly caused injuries to the victims. There was a general allegation of causing damage to the office and property of ABSU and of causing bodily injuries. The case diary also do not reveal to show that any of the injured has been hospitalized and undergoing treatment. Case diary reveals that accused has been languishing in jail since 14-10-2021 but till date I.O. failed to collect medical report issued by the competent medical authority to show the exact nature of the injuries sustained by the victims. However, the injuries mentioned in the arrest memo shows that accused persons were also sustained certain injuries which suggest that in the incident both side caused injury to each other. Case diary further reveals that investigation of the case has almost been completed except to collect the medical injury reports of the alleged victims.

There is no prayer from the I.O. requiring further detention of the accused persons in judicial custody for the purpose of further investigation.

Situated thus, accused Biliphang Basumatary @ Rakib, Prabin Narzary @ Bela, Jwmwi Muchahary @ Amao and Sanjan Boro @ Lawdang are enlarged on bail of Rs. 10,000/- each with one local surety each of like amount to the satisfaction of learned Elaka Magistrate I/D Jail.

Send back the case diary in seal cover.

Accordingly, Misc(Crl.) case disposed of.

Sessions Judge
Sonitpur, Tezpur.