

Tezpur PS Case No-929 of 2022
GR Case No-1709 of 2022
U/S-384/294/325/427/326/307/34 of Indian Penal Code

ORDER

01.09.2022

C.R put up today along with bail application no-1146/2022 filed by petitioner namely, Sri Tanima Saikia praying bail of the accused persons, namely, Sri Ronjon Saikia and Sri Nayan Saikia.

Heard learned counsels of both sides on the instant petition. Also perused the instant petition. The learned advocate of the petitioner has submitted that the above-named accused persons are innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that in the event of their release of bail there is no chance of their absconding. Hence, prayed to allow the bail prayer of the accused persons.

The prosecution story in brief is as follows that on 26.08.2022 the complainant Jintu Baruah has lodged the ejarah to the effect that on 25.08.2022 at about 2100 hrs accused Nayan Saikia @ Morom Saikia and Ranjan Saikia asked 01 lakh from his brother namely, Rinku Borah and when he refused to give the said money, both the accused physically assaulted said Rinku Borah and due to that he sustained grievous injury and also abused him. It is also stated that at that time one person Sanjib Borah arrived there and the accused persons abused him also. It is further stated that somehow the victim and Sanjib Borah escaped from thereafter and after that the accused persons damaged the scooter of said Sanjib Borah. In the meantime the informant arrived there and then the accused persons abused him, threatened him and assaulted with sharp weapon i.e. dao in his back, hand and neck and tried to kill him. Hence, the case.

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The case is under very initial stage and the alleged offence is non-bailable and cognizable in nature. The alleged offence of section-307 of IPC is exclusively triable by Hon'ble Court of Sessions. At this stage, if the accused persons are released on bail, the whole process of investigation of this case will be hampered. So, under such circumstances, considering the gravity and seriousness of offence alleged against accused persons and the initial stage of investigation, I find that this is not a case where the accused persons can be relied upon and enlarged on bail.

Accordingly, the bail petition No-1146/2022 filed on behalf of the above-named accused persons stands rejected.

Inform all the concerned.

Sri Nabajit Bhatta
Chief Judicial Magistrate
Sonitpur, Tezpur