

Tezpur PS Case No-1047 of 2022
GR Case No-1995 of 2022
U/S-302/34 of Indian Penal Code

ORDER

10.10.2022

C.R put up today along with bail application nos-1332/2022 & 1333/2022 filed by petitioners, namely, Smt. Rekha Koch and Smt. Birahi Das praying bail of the accused persons, namely, Sri Nayan Koch, Sri Nripen Koch and Sri Dhanti Das, who are in judicial custody.

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

The prosecution story in brief is as follows that on 03.10.2022 the complainant Smt. Jyotimoni Borah has lodged the ejarah before the O/C of Tezpur PS through In-charge of Bebejia Police Outpost to the effect that on 01.10.2022 at about 08:30 PM, her son, namely, Sri Ujjal Borah was working under Sri Naren Saikia the owner of tent house and then, the other persons, namely, Sri Dhanti Das and Sri Nripen Koch from Milanpur village had a fight with her son Sri Ujjal Borah. It is also alleged that after sometimes, the owner of said tent house informed her over phone that Mumu took his mobile phone and he tried to call him but could not get any response from him. It is further alleged that on 02.10.2022, boy who was grazing cows (cowherd/pasturer) found a dead body near the field and when she went there to identify the dead body, she found the dead body of her son. Hence, the case.

10.10.2022

The case is under very initial stage and the alleged offence is non-bailable and cognizable in nature. The alleged offence of section-302 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 Nos-1332/2022 & 1333/2022 filed on behalf of the above-named accused persons stands rejected.

Inform all the concerned.

Sri Nabajit Bhatta
Chief Judicial Magistrate
Sonitpur, Tezpur