

Tezpur PS Case No-1057 of 2022  
GR Case No-2005 of 2022  
U/S-379/341/326/307/323/354/294/506 of Indian Penal Code

ORDER

11.11.2022

Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide Order dated-01.11.2022 is received today from the I/O concerned.

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 person is innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that in the event of his release of bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of accused person.

The prosecution story in brief is as follows that complainant Smt. Rekha Rana has lodged an ejahar before the O/C of Tezpur PS through I/C of Borghat Police Outpost to the effect that on 06.10.2022 at around 12 PM the accused persons, namely, Mahiruddin, Nijamuddin, Maniruddin, Sarifuddin, Sajida Khatoon after cutting bamboos from the bamboo plantation of the complainant were trying to steal them away and when the complainant tried to stop them, the accused persons wrongfully restrained her, assaulted her with daos and lathis with intention to kill her thereby causing serious injuries on her head. The accused persons also touched her private parts thereby outraging her modesty. Hence, the prosecution case.

On perusal of the case diary, it appears that the case is still going on and yet to complete. On perusal of the case diary, it appears that sufficient incriminating materials found against the accused. On careful perusal of the case record, it reveals that the instant case was registered u/s-379/341/326/307/323/354/294/506 of Indian Penal Code where the alleged Section-307 of IPC is exclusively triable by Hon'ble Court of Sessions. At this stage, if the accused person is released on bail, the whole process of investigation of this case will be hampered.

11.11.2022

So, under such circumstances, considering the gravity and seriousness of offence alleged against accused person and the initial stage of investigation, I find that this is not a case where the accused person can be relied upon and enlarged on bail.

Accordingly, the bail petition No-1473/2022 filed on behalf of the above-named accused person stands rejected.

Inform all the concerned.

Sri N. Bhatta  
Chief Judicial Magistrate  
Sonitpur at Tezpur