

Tezpur PS Case No-355 of 2022
GR Case No-655 of 2022
U/S-420/392 of Indian Penal Code

ORDER

11.11.2022

Ld. Advocate of the accused person, namely, Kamal Hussain filed hazira.

Case diary as called earlier vide order dated-07.11.2022 is received today from the I/O concerned.

Heard learned counsel of both sides on the instant petition. Also perused the instant petition.

The learned advocate of the petitioner has submitted that the accused person, namely, Kamal Hussain is innocent and he is no way connected with the alleged offence and is arrested only on suspicion. The Ld. Counsel of the accused further submitted that nothing has been seized from his possession and hence in the event of his release on bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of the above-named accused person.

Also perused the case diary. The prosecution story in brief is as follows that complainant, namely, Maynul Hoque stating that one person call him from the phone No-8723970036 to his phone No-7002517553 and told him that he worked as a land digger and admitted that while he was digging the soil under Tezpur University Campus, he found gold biscuits and wanted to sell the said gold in a very low price. It is also alleged that said person often call him and tried to convince him but on 28.02.2022 he along with his friend Motibur Rahman of the same village comes to Tezpur to meet them and to take the said gold and on reaching nearby Tezpur University, said person came to meet him. Thereafter, the accused persons along with other 7-8 persons surrounded them and physically assaulted them and also looted Rs.1,50,000/- from them. Hence, the prosecution case.

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On perusal of the case diary, it appears that investigation of this case is still going on and yet to complete. It also appears that sufficient incriminating materials have been found against the above-named accused person. Hence, at this stage, if the above-named accused person is released on bail, the whole process of the investigation of this case will be hampered. So, under such circumstances, considering the gravity and seriousness of offence alleged against accused person and the 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 filed on behalf of the above-named accused person stands rejected.

Return back the case diary to the Investigating Officer in seal cover.

Accordingly, bail application is disposed of.

Inform all the concerned.

Sri N. Bhatta
Chief Judicial Magistrate
Sonitpur, Tezpur