

Tezpur PS Case No-650 of 2022
GR Case No-1190 of 2022
U/S-500/292 of IPC R/W Sec-67 of IT Act

O R D E R

13.12.2022

Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide Order dated-05.12.2022 is received today.

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. Counsels of the accused further submitted that the accused was arrested only on the basis of suspicion and in the event of his release on bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of the accused person.

Also perused the case diary. The prosecution story in brief is as follows that complainant Miss Parimita Sut lodged an ejahar before the O/C of Tezpur PS through In-charge of Bebejia Police Outpost alleging that the accused namely, Sri Biraj Sarmah @ Bordoloi printed her some naked photographs and pasted in the electrical pillar and due to that she is suffering from mental depression. It is also alleged that due to act of accused she has lost her reputation. Hence, the prosecution case.

On perusal of the case diary, it appears that investigation of this case is pending at later stage and the above-named accused person of this case has been detained in the jail hajot since from 18.11.2022 till today after showing him to be an arrested accused person in this case. On perusal of the case diary, it also appears that the I/O has already recorded all the material witnesses. Further, the I/O of this case has already completed the substantial portion of the investigation. However, Section-67 of IT Act is bailable in nature and accordingly, at present further detentions of the accused person is not necessary. Moreover, the I/O of this case failed to make any further investigation of this case since from 19.11.2022.

13.12.2022

Considering all the above discussion, I have not found any substantive materials of alleged offence punishable under section-500/292(a) of IPC R/W Sec-67 of IT Act against the above-named accused person. In the case diary, the investigating officer nowhere prayed to enlarge the custodial period of the accused person. Accordingly, I deem it fit and proper to allow the bail petition on behalf of accused person, namely, Sri Biraj Sarmah @ Bordoloi. Accordingly, bail prayers are allowed.

Accused person, namely, Sri Biraj Sarmah @ Bordoloi is allowed to go on bail of Rs.15,000/- (Rupees Fifteen Thousand) only with one surety of like amount and failing of furnishing the surety the accused person shall remain in judicial custody as fixed earlier.

In the event of the release of accused from the judicial custody, the accused shall comply with the following conditions:-

- (i) The accused person shall make himself available before the investigating officer as and when required by him for the investigation of the case ;
- (ii) The accused person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the court or the investigating officer;
- (iii) The accused person shall not hamper the investigation or temper with the evidence of the case.
- (iv) The accused persons shall co-operate with the I/O till the I.O concludes his investigation.

Accordingly, bail application is disposed of.

The I/O of this case is directed to investigate the case properly as per law.

Inform all the concerned.

Sri N. Bhatta
Chief Judicial Magistrate
Sonitpur at Tezpur