

Tezpur PS Case No-1074 of 2022
GR Case No-2023 of 2022
U/S-25(1-a) of Arms Act

ORDER

14.11.2022

Ld. Advocates of the petitioner has filed hazira.

Case diary as called earlier vide Order dated-28.10.2022 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 persons, namely, Md. Ashraful Islam and Md. Sahjahan Ali are innocent and they are no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that in the event of their release on bail there is no chance of their absconding. Hence, prayed to allow the bail prayer of the above-named accused persons.

Also perused the case diary. The prosecution story in brief is as follows that complainant, SI Simanta Pathak of Borghat Police Outpost stating that on 11.10.2022 at around 09:30 PM an information was received from a reliable source that two persons coming from Bhumuraguri towards Tezpur town through a new number plate less Apache bike and is carrying an arm i.e. a Pistol and both of them have some evil intention and may harm any person. Accordingly, he along with his staffs immediately rushed to Batamari and put a naka cheacking at just front of the Shell Petrol Pump (Roys and Rais, service station), Batamari and able to intercept the said bike along with the driver i.e. above-named accused persons. On being searched, they recovered a Factory made Pistol from the possession of accused Md. Sahjahan Ali which was hiden in his lower abdomen. During interrogation at the spot both the accused persons could not give any satisfactory replies and admitted that the said Pistol doesn't have any licenence. Hence, the prosecution case.

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

14.11.2022

accused persons regarding their involvement in the alleged occurrence. It also appears from the case record as well as case diary that, the above-named accused persons are the FIR named accused persons and the Pistol recovered from their possession. Hence, at this stage, if the above-named accused persons are 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 persons and the 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 filed on behalf of the above-named accused persons 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