

Tezpur PS Case No-931 of 2022  
GR Case No-1711 of 2022  
U/S-392 of Indian Penal Code

O R D E R

16.12.2022

Ld. Advocate of the accused Md. Sabed Ali has filed hazira.

Case dairy as called earlier vide Order dated-30.11.2022 is received today.

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 is innocent and he is no way connected with the alleged offence. The Ld. Counsel of the accused person further submitted that the accused person, namely, Md. Sabed Ali is falsely implicated in this case without having any allegation and due to that said accused is languishing in judicial since from 24.10.2022. The Ld. Counsel of the accused also submitted that in the event of the release the accused person on bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of the accused persons.

Also perused the case diary. The prosecution story in brief is as follows that complainant alleging that he is a head constable of Indian Rever Police and he came to Tezpur mental hospital to attend one of relative who was admitted in that hospital. At that time he meet with a person who introduced him as Mona and they exchanged their phone numbers with each other and after that they talked with each other once in a while. It is also stated that on 25.08.2022 while he ws travelling from Dimapur to Guwahati he called her by 9612443398 mobile number and asked him what he is doing and where he is and then told him that he is going to Guwahati with Rs.15,00,000/- in cash to buy to cars then he told him that he has two vehicles one is vitara Breeza and one is Renault Duster and he want to sale those vehicles at a cheap price. After having that he thought that he can get those vehicles is a cheap price then he told him that he want to buy those vehicles. After having that he told him to come to Tezpur by bus and arrived at ASTC bus stand Tezpur.

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They came to Tezpur by two cars bearing Regd. No-AS-07/K-9639 and AS-07/D-9755 and took him to a place in Tezpur area and they snatched away his leather bag containing Rs.15 Lakhs. He scared because they were a group of 5-6 people and one of them was Mona and another Nurjamal Haque. Hence, the prosecution case.

On perusal of the case record, it appears that investigation of this case is almost completed. It also appears that the accused person, namely, Md. Sabed Ali produced before this court on 24.10.2022 and since then he has been languishing in judicial custody. On perusal of case diary, it also reveals that the I/O has already completed the substantial portion of the investigation against the accused. Further, on perusal of case record, it also appears that the accused above-named person has been detained in judicial custody around 54 days. In the case diary, the investigating officer nowhere prayed to enlarge the custodial period of the accused person.

Considering the later stage of investigation, further detention of the accused is not necessary. Hence, at this stage, if the accused person, namely, Md. Sabed Ali is released on bail, the process of the investigation of this case will not be hampered any more.

Considering all the above discussion and the length of detention of the accused person in judicial custody, I deem it fit and proper to allow the bail petition on behalf of accused, namely, Md. Sabed Ali. Accordingly, bail prayer is allowed and consequent to that accused person, namely, Md. Sabed Ali 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;

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(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 person shall co-operate with the I/O till the I.O concludes his investigation.

Accordingly, bail application is disposed of.

Inform all the concerned.

Sri N. Bhatta  
Chief Judicial Magistrate  
Sonitpur at Tezpur