

Tezpur PS Case No-909 of 2022  
GR Case No-1689 of 2022  
U/S-420/392 of Indian Penal Code

ORDER

17.10.2022

The Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide order dated-11.10.2022 by this court is received today from the I/O concerned.

Heard learned counsel of both sides on the instant petition.

The learned advocate of the petitioner has submitted that the accused person is innocent and no way connected with the alleged offence.

The Ld. Counsel of the accused further submitted that the accused person is falsely implicated in this case. The Ld. Counsel of the accused also submitted that in the event of the release of the accused person 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 Sri Shyam Sundar Sarmah lodged an ejarah before the O/C of Tezpur PS alleging that the accused Suruj Jamal introducing him as Rajes Das of Tezpur and told him that while breaking a house he recovered 03 pieces of gold biscuit and told him that he wants to sale the said biscuit. Accordingly, the accused called him and his friend Manjit Singh to Tezpur and thereafter, they came to Tezpur and the accused came in a bicycle to sale the said biscuits to him. It is also stated that by taking a chance of showing them those golden biscuit they tried to flee away from there by snatching Rs.4,00,000/- from him. But at that time they nabbed the above-named accused person. 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 22.08.2022 till today. Further, the I/O of this case has already completed the substantial portion of investigation and accordingly, at present further detentions of the accused person is not necessary.

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Further on perusal of the case record, it also appears that the accused is in judicial custody since from around 57 days.

Hence, at this stage, if the accused person, namely, Md. Suruj Jamal 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 person, namely, Md. Suraj Jamal. Accordingly, bail prayer vide petition No-1350/2022 is allowed.

Accused person, namely, Md. Suruj Jamal is allowed to go on bail of Rs.20,000/- (Rupees Twenty Thousand) only with one surety of like amount and failing of furnishing the surety the accused 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 her 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 person shall co-operate with the I/O till the I.O concludes his investigation.

Return back the case diary to the I/O in seal cover.

Accordingly, bail application is disposed of.

Inform all the concerned.

Sri N. Bhatta  
Chief Judicial Magistrate  
Sonitpur at Tezpur