

Present:- Sri N. J. Haque, CJM, Sonitpur, Tezpur

Tezpur PS Case No-103 of 2022

GR Case No-155 of 2022

O R D E R

18.01.2022

C.R put up today along with bail petition bearing Nos-69/22 & 70/22 filed by the petitioners, namely, Md. Nabi Hussain and Md. Habibur Rahman praying bail of accused persons, namely, Md. Hajrul Hoque and Md. Mazibur Rahman. The bail petitions filed in support with an affidavit.

Heard both the sides and perused the petitions with the case record.

By this order this Court proposed to dispose of the bail application filed for the above-named accused persons, who are languishing in judicial custody since from 15.01.2022 in connection with this case.

On perusal of the case record it unveiled before this court that criminal law sets in motion closely lodging an ejahar by the informant named Sri Babul Orang, Constable of Assam Police, 12th APBN alleging that on 13.01.2022 at about 07:30 PM, on the basis of an information from the reliable source about the illegal smuggling of cattle from Dholabari area in a truck bearing Regd. AS-01/GC-1232. Accordingly, he along with other police personnel setup an ambush at Bhomoraguri Bridge area and consequent to that the aforesaid alleged vehicle was proceeding towards the police party and instructed to stop there. But the driver of the said vehicle drove the vehicle rashly and crossed the check points and when they tried to catch the said vehicle, the said vehicle hit their vehicle and due to that he sustained injuries.

It is stated that the police team had immediately communicated with Nagaon Police and the vehicle was intercepted at Dharamtul area of Nagaon.

18.01.2022

Subsequently, Tezpur PS Case No-103 of 2022 was registered u/s-379/411/279/353/337/307/34 of IPC R/W Sec-13(1) of A.C. Act, R/W Sec-11 PCA Act and thereafter, the accused persons were apprehended and produced before the court on 15.01.2022 and since from then both the accused persons have been languishing in judicial custody.

At this stage without entering into the merits of entire dispute in hand this court finds that the investigation is pending at premature stage. The alleged offences are non-bailable and cognizable in nature and the offence of section-307 of Indian Penal Code is exclusively triable by the Hon'ble Court of Sessions. The nature of alleged offence deserves meticulous investigation.

More also, the I.O also deserves a fare chance to open the entire jacket from the alleged incident holding a proper and comprehensive investigation.

Therefore, bearing in mind all the aspect this court not finds anything sensible upon which the bail prayer of accused persons may be considered at this stage. More also, release of the accused persons from judicial custody may hamper and temper the investigation of this case.

Hence, in the result the bail prayer of the accused persons, namely, Md. Hajrul Hoque and Md. Mazibur Rahman stands rejected due to devoid of any merits.

Inform all the concerned.

Sri N. J. Haque
Chief Judicial Magistrate
Sonitpur, Tezpur