

Tezpur PS Case No-109 of 2022

GR Case No-161 of 2022

U/S-419/420/386 of IPC

O R D E R

19.01.2022

Ld. Advocate of the accused persons filed hazira.

Case diary as called earlier vide Order dated-17.01.2022 is received today from the I/O concerned.

Heard both the sides and perused the entire case record along case diary meticulously.

By this order this Court proposed to dispose of the bail application filed for the accused person, named, Sri Uttam Kumar Dutta @ Uttam Dutta, who is languishing in judicial custody since from 16.01.2022 in connection with this case registered u/s-419/420/386 of IPC.

On perusal of the case record, it disclosed that the instant prosecution case sets in motion against the above named accused on filing an ejahar by informant SI Naren Chetia of Borghat Police Outpost under Tezpur PS on 16.01.2022 alleging inter-alia that the above-named accused is an unauthorized petition/FIR writer and writes petition/FIR on behalf of the victims who visits the police station for seeking legal assistance and put signature in the petition/FIR on behalf of victims without narrating the actual content of grievance. It is also stated that the above-named accused demanded money from the victims by putting fear of inadequate or excess legal actions and finding no other alternative, paid the accused for writing the petition/FIR. It is further stated that the accused also manipulates the contents of the FIR sometimes by making compromise with the opposite party for personal wrongful gain and also cheated the victims and mislead the police department by filling false/fabricated FIR. Subsequently, Tezpur PS Case No-109 of 2022 was registered u/s-419/420/386 of IPC.

The I/O has submitted a written objection against the bail prayer filed for the accused stating that release of the accused is going to hamper and temper the investigation of the case.

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The I/O in his written objection also stated that the accused involved with exploiting the

innocent, illiterate and helpless victims and further accused trapped the victims to pay money.

On meticulous perusal of the case diary in the backdrop of the written objection submitted by the Investigating Officer, this court finds that the I/O has recorded the statement of some of the witnesses under section-161 of CrPC and from the statement of the witnesses, it disclosed that the accused person involved in taking money from certain people in the name of writing ejahar. From the case diary, it also disclosed that the I/O failed to examine any of the victim from whom money was actually received by the accused. There is no single witness examined by the I/O from whom the alleged money was actually extorted by the accused. Although, the witnesses have stated that accused received money in writing the ejahar but what was the actual sum that was demanded by the accused and received, same was not clarified by the witnesses. Further, from whom the money was received that is not clear from the case diary as well as from the statement of the complainant and other witnesses. The accused is languishing in judicial custody since from 16.01.2022 and the investigation is pending at the pre-matured stage.

Considering the materials available in the case diary till date this court not finds any implicating materials against the accused person upon which it may be presumed that the accused has committed any offences punishable u/s-419/420/386 of IPC as the I/O failed to examine any person from whom the money has been extorted. Hence, considering all the aspect, at this stage release of the accused from judicial custody is not going to hamper and temper the investigation of the I/O. Accordingly, bail prayer of the accused person, named, Sri Uttam Kumar Dutta @ Uttam Dutta is allowed and consequent to that accused, **Sri Uttam Kumar Dutta @ Uttam Dutta is allowed to go on bail of Rs.20,000/- (Rupees Twenty Thousand) with one surety of like amount** and failing of furnishing the surety the accused shall remain in judicial custody as fixed earlier.

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

- i) The accused person shall not hamper or temper the investigation of the I.O.
- ii) The accused shall not leave the local jurisdiction of the Court without prior permission of the O/C concerned PS.
- iii) The accused shall co-operate with the I/O till the I.O concludes his investigation.
- iv) The accused person shall not repeat similar offence

Let the case diary along with the copy of this order be transmitted to the I/O concerned.

Accordingly, the bail Petition No-48/2022 filed for the accused named Sri Uttam Kumar Dutta @ Uttam Dutta stands disposed of.

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