

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

Tezpur PS Case No-2100 of 2021
GR Case No-3410 of 2021
U/S-420/34 of IPC

ORDER

19.01.2022

Ld. Advocate of the accused persons filed hazira.

Case diary as called earlier vide order dated-10.01.2022 is received today.

Heard both the sides and perused the case diary meticulously.

On perusal of the entire case record, it disclosed that the instant prosecution case sets in motion against the above named accused person on filing an ejahar by the informant named ASI Jitendra Nath Saharia alleging inter-alia that as per the instruction of I/C of Borghat Police Outpost he along with his staff went near Napam University road and caught accused Ali Islam in red handed with three pieces of suspected fake gold.

Accordingly, Tezpur PS Case No-2100 of 2021 was registered u/s-420/34 of IPC and during the investigation, the investigating officer apprehended and produced him before this court on 26.12.2021 and sent him for judicial custody.

Case record further indicates that on 09.11.2021, this court on perusal of case diary finds that the I/O during investigation recorded statement of almost all the material witnesses and recovered three pieces of suspected fake gold along with mobile handsets. Case record also indicates that co-accused Md. Ali Islam already went on bail vide Order dated-09.11.2021. Today, the case diary is called for to decide the bail application filed on behalf of accused person named Sri Biki Sarkar.

Today, on careful perusal of the case diary, this court finds that the I/O has already recorded the statement of all the material witnesses and the investigation is pending at the advance stage and at this stage release of accused from judicial custody shall not hamper and temper the investigation of this case.

19.01.2022

The accused person is languishing in judicial custody since from around 25 days. Since the statement of all the material witnesses were been recorded by the I/O and the case is pending at advance stage of the investigation, the court finds that at this stage release of the accused person from the judicial custody shall not hamper the investigation. Morealso, the I.O of this case failed to make any further investigation of this case since from 25.12.2021.

At this stage without entering in the merits of the entire alleged occurrence this Court finds that at this stage release of accused noway going to hamper the investigation. Therefore, considering all the aspect this Court finds sufficient ground to allow the bail application of the accused person. Accordingly, considering the period of detention of accused Sri Biki Sarkar in judicial custody and the materials available on record, accused person, named, Sri Biki Sarkar 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.

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

- (i) The accused 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 Tezpur PS.
- (iii) The accused shall not repeat similar offence.
- (iv) The accused shall appear before the I.O., whenever the I.O. asked him to appear.
- (v) The accused shall co-operate with the I/O till the I.O concludes his investigation.

Return back the case diary to the I/O.

Inform all the concerned.

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