

Tezpur PS Case No-1747 of 2021
GR Case No-2819 of 2021
U/S-392 of IPC

O R D E R

20.12.2022

Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide Order dated-12.12.2022 is received today from the I/O concerned.

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, namely, Md. Kamal Hussain is innocent and he is no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that the allegations leveled against the accused only for harassing him without any valid reason and hence, in the event of his release on bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of the above-named accused person.

Also perused the case diary. The prosecution story in brief is as follows that complainant, namely, Smt. Charsa Das stating that on 19.08.2021 at about 6:30 AM, while she was going for morning walk, the above-named accused along with another person coming in a bike bearing Regd. No-AS-12/P-5564 and snatched away her gold chain from her neck and fled away from there by using the village road. Thereafter, the village people caught the above-named accused. However, the another person successfully tried to escape from there. 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. Kamal Hussain produced before this court on 29.10.2022 after showing him to be an arrested accused person and since then he has been languishing in judicial custody in connection with this case. On perusal of the 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

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around 53 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. Kamal Hussain 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 Md. Kamal Hussain. Accordingly, bail prayer is allowed and consequent to that accused person, namely, Md. Kamal Hussain 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;
- (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