

Tezpur PS Case No-2904 of 2021
GR Case No-4638 of 2021
U/S-366 of IPC

ORDER

20.01.2022

C.R put up today along with bail petition bearing No-84/22 filed by the petitioner Md. Babul Ali praying bail of accused person Md. Rekib Ali. The bail petition filed in support with an affidavit.

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

By this order this Court proposed to dispose of the bail application filed for the above-named accused person, who is languishing in judicial custody since from 27.12.2021 in connection with this instant 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 Upen Hazarika alleging that on 25.12.2021 at about 4:30 PM, the above-named accused forcefully kidnapped his minor daughter Miss "X" (name withheld) aged about 17 years from Bihaguri Girls High School.

Subsequently, Tezpur PS Case No-2904 of 2021 was registered under section-366 of Indian Penal Code and thereafter, the above-named accused person apprehended and produced before the court on 27.12.2021 and since then he has 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 offence under section-366 of IPC is non-bailable and cognizable in nature and being triable by the Hon'ble

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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 person, named, Md. Rekib Ali may be considered at this stage. More also, release of the accused person from judicial custody may hamper and temper the investigation of this case.

Hence, in the result bail prayer of the accused named, Md. Rekib Ali stands rejected due to devoid of any merits.

Inform all the concerned.

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