

Tezpur PS Case No-486 of 2022

GR Case No-874 of 2022

U/S-379 of IPC

O R D E R

21.09.2022

Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide Order dated-08.09.2022 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, Sri Dipen Deka is innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that the accused person is falsely implicated in this case. The Ld. Counsel of the accused also submitted that in the event of his release on bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of the accused person, namely, Sri Dipen Deka.

Also perused the case diary. The prosecution story in brief is as follows that complainant, namely, Sri Ronald Gogoi stating that on 07.04.2022 his Yamaha R15 bearing Regd. No-AS-12/AD-7816 had stolen from his house. Hence, the prosecution case.

On perusal of the case diary, it appears that investigation of this case is almost completed and the stolen motor cycle has already been recovered by the I/O and later given in zimma to the complainant. On perusal of the case diary, it also appears that the I.O of this case has failed to make any further investigation of this case since from 18.08.2022 and the above-named accused person has been detained in the jail hajat since from 17.08.2022 till today. On perusal of the case diary, it also appears that the I/O has already completed a substantial portion of the investigation against the accused, namely, Sri Dipen Deka and considering the later stage of the investigation, further detention of the accused Sri Dipen Deka is not necessary.

Hence, at this stage, if the accused person, namely, Sri Dipen Deka 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 in judicial custody, I deem it fit and

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proper to allow the bail petition on behalf of accused person. Accordingly, bail prayer vide petition No-1182/2022 is allowed.

Accused person, namely, Sri Dipen Deka 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 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.

Return back the case diary to the I/O in seal cover.

Accordingly, bail application is disposed of.

Inform all the concerned.

Sri N. Bhatta  
Chief Judicial Magistrate  
Sonitpur at Tezpur