

Tezpur PS Case No-834 of 2022

GR Case No-1566 of 2022

U/S-380 of IPC

O R D E R

22.09.2022

Case record put up today along with the bail Petitions vide No-1255/2022 and 1259/2022 filed by the petitioners, namely, Ashma Begum and Hasina Begum praying for releasing the accused persons, namely, Chan Miya and Ikramul Hussain on bail.

Heard learned counsel of both sides on the instant petitions. Also perused the instant petitions.

The learned advocates of the petitioners have submitted that the accused persons, namely, Md. Chan Miya and Md. Ikramul Hussain are innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that the accused persons are falsely implicated in this case and in the event of their release on bail there is no chance of their absconding. Hence, prayed to allow the bail prayer of the above-named accused persons.

Also perused the case diary. The prosecution story in brief is as follows that complainant, namely, Sri Lakhan Nath stating that on 16.07.2022 while he came back to his house from Guwahati for the purpose of his daughter's NEET examination and at the time of his arrival at his house he had seen that unknown culprits stolen away some household articles like 02 pairs of gold ear rings, one Air Colar (FBI), 02 nos. of brasses gamla, 02 nos. of silver dekshi, 02 pairs of bell metal dish, 06 nos. of trophy with shield cup and certificate by breaking back side door of his house. Hence, the prosecution case.

On perusal of the case record, it appears that the above-named accused persons were arrested and produced before the court on 27.07.2022 and since then they have been detained in judicial custody till today. On perusal of the case record, it also appears that the I/O has already recovered the stolen articles. On perusal of the case record, it appears that the I/O has already completed the substantial portion of the investigation and the accused persons are languishing in judicial custody since from around 57 days.

22.09.2022

Considering the later stage of the investigation, further detention of the accused is not necessary.

Hence, at this stage, if the accused persons, namely, Md. Chan Miya and Md. Ikramul Hussain are 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 persons in judicial custody, I deem it fit and proper to allow the bail petitions filed on behalf of the above-named accused persons. Accordingly, bail prayer vide petition Nos-1255/2022 & 1259/2022 stands allowed.

Accused persons, namely, Md. Chan Miya and Md. Ikramul Hussain are allowed to go on bail of Rs.10,000/- (Rupees Ten Thousand) each 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 persons shall make themselves available before the investigating officer as and when required by him for the investigation of the case;
- (ii) The accused persons 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 persons shall not hamper the investigation or temper with the evidence of the case.
- (iv) The accused persons 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