

Tezpur PS Case No-1927 of 2021  
GR Case No-3125 of 2021  
U/S-457/380/511/34 of IPC

O R D E R

23.11.2022

Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide Order dated-15.11.2022 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 Rupdhan Das and Sarubhaikan Das @ Arjun Das are innocent and they are no way connected with the alleged offence and are arrested only on suspicion. The Ld. Counsel of the accused further submitted that in the event of their release on bail there is no chance of 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, Mr. Tarun Borah, UBC stating that last night he has been performing patrolling duty with the batellion staffs of 12<sup>th</sup> APBN and during patrolling a group of person 4/5 persons are seen at Borjhar Gaon Centre who hit something with a long stick, look like "siprang". It also disclosed that on seeing the police said persons fled away from there and tried to escape from police and thereafter, police staffs on duty run behind them and apprehended one Sri Krishna Das and co-accused Kochuguti Das along with Rupdhan and others successfully escaped from there. On inspection one siprang having sharp end in one side, one broken lock of the shutter of a shop and one bicycle recovered from them. Hence, the prosecution case.

On perusal of the case diary, it appears that investigation of this case is pending at later stage and the above-named accused persons of this case have been detained in the jail hajot since from 04.10.2022 and 10.10.2022 till today. On perusal of the case diary, it also appears that the I/O has already recorded all the material witnesses. Further, the I/O of this case has already completed the substantial portion of the investigation and accordingly, at present further detentions of the

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accused persons is not necessary. Moreover, the I/O of this case failed to make any further investigation of this case since from 15.11.2022.

Hence, at this stage, if the accused persons, namely, Rupdhan Das and Sarubhaikan Das @ Arjun Das 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 petition on behalf of accused persons, namely, Rupdhan Das and Sarubhaikan Das @ Arjun Das. Accordingly, bail prayer vide petition No-1439/2022 & 1540/2022 is allowed.

Accused persons, namely, Rupdhan Das and Sarubhaikan Das @ Arjun Das are allowed to go on bail of Rs.15,000/- (Rupees Fifteen Thousand) only each 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 her 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 her 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, Tezpur