

Tezpur PS Case No-1173 of 2022  
GR Case No-2210 of 2022  
U/S-379/411 of Indian Penal Code

O R D E R

27.12.2022

Ld. Legal Aid Counsel, namely, Sri Rupjyoti Baruah has filed hazira.

Case diary as called earlier vide Order dated-06.12.2022 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 Legal Aid Counsel has submitted that the accused persons, namely, Sri Pabir Ghosh @ Prabir, Sri Abhiraj Bhuyan, Sri Pranjal Deka and Sri Raja Rajbongshi are innocent and they were 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 them without any valid reason and hence, 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, Sri Robin Baruah stating that on 13.11.2022 at about 11 AM, some construction materials have been stolen from Tezpur Collegiate High School premises and on being came to know about the same he immediate went to Mahabhairab Police Outpost to inform the same. But there he learnt that the police personnel had already caught E-Richshaw bearing Regd. No-AS-12/R-0427 wherein the stolen materials were carrying and accordingly seized the same. 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 persons, namely, Sri Pabir Ghosh @ Prabir, Sri Abhiraj Bhuyan, Sri Pranjal Deka and Sri Raja Rajbongshi were apprehended and produced before this court on 14.11.2022 and since then they have been languishing in judicial custody. On perusal of the case diary, it also reveals that the I/O has already completed the substantial portion of the investigation against

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the accused persons. Further, on perusal of case record, it also appears that the accused above-named person has been detained in judicial custody around 44 days. On perusal of the case record as well as case diary, it also appears that I/O has already recovered the stolen articles. In the case diary, the investigating officer nowhere prayed to enlarge the custodial period of the accused persons.

Considering the later stage of investigation, further detention of the accused is not necessary. Hence, at this stage, if the accused persons, namely, Sri Pabir Ghosh @ Prabir, Sri Abhiraj Bhuyan, Sri Pranjal Deka and Sri Raja Rajbongshi 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 person in judicial custody, I deem it fit and proper to allow the bail petition on behalf of accused persons, namely, Sri Pabir Ghosh @ Prabir, Sri Abhiraj Bhuyan, Sri Pranjal Deka and Sri Raja Rajbongshi. Accordingly, bail prayer is allowed and consequent to that accused persons, namely, Sri Pabir Ghosh @ Prabir, Sri Abhiraj Bhuyan, Sri Pranjal Deka and Sri Raja Rajbongshi are allowed to go on bail of Rs.15,000/- (Rupees Fifteen Thousand) each only with one surety of like amount and failing of furnishing the surety the accused persons shall remain in judicial custody as fixed earlier.

In the event of the release of accused from the judicial custody, the accused persons 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;

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(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.

Accordingly, bail application is disposed of.

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

Inform all the concerned.

Sri N. Bhatta  
Chief Judicial Magistrate  
Sonitpur at Tezpur