

Tezpur PS Case No-931 of 2022
GR Case No-1711 of 2022
U/S-392 of Indian Penal Code

O R D E R

28.10.2022

Case record put up today along with the bail Petition Nos-1458/2022, 1451/2022 & 1447/2022 filed by the petitioners, namely, Sariful Islam, Jaher Ali and Md. Jakir Hussain praying for releasing the accused persons, namely, Bayanul Islam, Nur Jamal Haque and Dildar Hussain on bail.

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 persons are innocent and they are no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that the accused persons, namely, Nur Jamal Haque and Dildar Hussain are already languishing in judicial custody around 60 days and other accused Bayanul Islam has been in judicial custody since around 46 days. The Ld. Counsel of the accused also submitted that in the event of the release the accused persons on bail there is no chance of their absconding. Hence, prayed to allow the bail prayer of the accused persons.

Also perused the case diary. The prosecution story in brief is as follows that complainant alleging that he is a head constable of Indian Rever Police and he came to Tezpur mental hospital to attend one of relative who was admitted in that hospital. At that time he meet with a person who introduced him as Mona and they exchanged their phone numbers with each other and after that they talked with each other once in a while. It is also stated that on 25.08.2022 while he ws travelling from Dimapur to Guwahati he called her by 9612443398 mobile number and asked him what he is doing and where he is and then told him that he is going to Guwahati with Rs.15,00,000/- in cash to buy to cars then he told him that he has two vehicles one is vitara Breeza and one is Renault Duster and he want to sale those vehicles at a cheap price.

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After having that he thought that he can get those vehicles is a cheap price then he told him that he want to buy those vehicles. After having that he told him to come to Tezpur by bus and arrived at ASTC bus stand Tezpur. They came to Tezpur by two cars bearing Regd. No-AS-07/K-9639 and AS-07/D-9755 and took him to a place in Tezpur area and they snatched away his leather bag containing Rs.15 Lakhs. He scared because they were a group of 5-6 people and one of them was Mona and another Nurjamal Haque. 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, Nur Jamal Haque and Dildar Hussain have been languishing in judicial custody since from 28.08.2022 and co-accused Bayanul Islam has been languishing in judicial custody since from 07.09.2022. On perusal of the case record, it also appears that the accused persons, namely, Nur Jamal Haque and Dildar Hussain have completed statutory period of 60 days and accused Bayanul Islam has been in judicial custody around 46 days in judicial custody and till date the I/O failed to submit Final Form of Report against all the accused persons. Considering the later stage of the investigation, further detention of the accused is not necessary. Hence, at this stage, if the accused persons, namely, namely, Bayanul Islam, Nur Jamal Haque and Dildar 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 and also the fact that the I/O failed to submit Final Form of Report against the accused persons, I deem it fit and proper to allow the bail petition on behalf of accused persons, namely, Bayanul Islam, Nur Jamal Haque and Dildar Hussain as the accused persons are entitled to get the default bail. Accordingly, bail prayers are allowed.

Accused persons, namely, Bayanul Islam, Nur Jamal Haque and Dildar Hussain are allowed to go on bail of Rs.15,000/- (Rupees Fifteen Thousand) only each with one surety of like amount and failing of

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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 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.

Accordingly, bail application is disposed of.

Inform all the concerned.

Sri N. Bhatta
Chief Judicial Magistrate
Sonitpur at Tezpur