

Tezpur PS Case No-909 of 2022
GR Case No-1689 of 2022
U/S-420/392 of Indian Penal Code

ORDER

05.09.2022

The Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide order dated-26.08.2022 by this court is received today from the I/O concerned. However, zimma report is not received from the I/O concerned.

Heard learned counsel of both sides on the instant petition.

The learned advocate of the petitioner has submitted that the accused person 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 the release of the accused person on bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of the accused person.

Also perused the case diary. The prosecution story in brief is as follows that complainant Sri Shyam Sundar Sarmah lodged an ejarah before the O/C of Tezpur PS alleging that the accused Suraj Jamal introducing him as Rajes Das of Tezpur and told him that while breaking a house he recovered 03 pieces of gold biscuit and told him that he wants to sale the said biscuit. Accordingly, the accused called him and his friend Manjit Singh to Tezpur and thereafter, they came to Tezpur and the accused came in a bicycle to sale the said biscuits to him. It is also stated that by taking a chance of showing them those golden biscuit they tried to flee away from there by snatching Rs.4,00,000/- from him. But at that time they nabbed the above-named accused person. Hence, the prosecution case.

From perusal of the case record, it appears that investigation of this case is going on and yet to complete. On perusal of the case diary it also appears that the accused was caught red handed at the time of committing the alleged offence. From perusal of the case diary, sufficient incriminating materials have been found

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against the accused person as cash amounts and suspected to be fake golden biscuits were recovered from his possession. On perusal of case diary, it appears that another accused, **namely, Md. Khairul Islam**, who was also involved with the alleged offence yet to be apprehended. Hence, at this stage, if the accused is released on bail, the whole process of investigation of this case will be hampered. So, under such circumstances and considering the gravity and seriousness of offence alleged against accused person and the stage of investigation, I find that this is not a case where the accused person can be relied upon and enlarged on bail. Accordingly, the bail petition No-1120/2022 filed on behalf of the accused person, namely, Suruj Jamal stands rejected.

Return back the case diary to the Investigating Officer in seal cover.

Accordingly, bail application is disposed of.

Report of ownership of cash amount of Rs.3,98,500/- as called earlier is not received yet from the I/O concerned.

Issue reminder to the I/O concerned along with copy of order dated-23.08.2022.

The I/O is directed to submit his report positively on the next date fixed.

Let a copy of this order be forwarded to the I/O concerned for his information and necessary action.

Inform all the concerned.

Fixing 08.09.2022.2022 for report of ownership.

Sri N. Bhatta
Chief Judicial Magistrate
Sonitpur at Tezpur