

Present:- Sri N. J. Haque, CJM, Sonitpur, Tezpur

Tezpur PS Case No-1989 of 2021
GR Case No-3251 of 2021
U/S-457/380 of Indian Penal Code

ORDER

05.01.2022

Ld. Advocate of the accused person, named, Md. Kolimuddin filed hazira.

Case diary as called earlier vide orders dated-31.12.2021 is received today.

Heard both the sides and perused the case diary meticulously.

By this order this Court proposed to dispose of the bail application filed for the accused, named, Md. Kolimuddin who is languishing in judicial custody since from 17.12.2021 in connection with this case registered u/s-457/380 of IPC.

On perusal of the entire case record, it disclosed that the instant prosecution case sets in motion against the above named accused persons on filing an ejahar by the informant alleging inter-alia that on 14.09.2021 at midnight when the informant and his family was sleeping and the window was keeping open, thereafter, some unknown culprit had entered into his room and stolen away one mobile handset and cash amount of Rs.8000/- (in total).

Subsequently, Tezpur PS Case No-1989 of 2021 was registered under section-457/380 of the Indian Penal Code and thereafter, the above-named accused apprehended and produced him before this court on 17.12.2021 and since from then he has been languishing in judicial custody.

On careful perusal of the case record, it disclosed that 28.12.2021 the court has perused the case diary to decide the bail application of the above named accused and consequent to that bail application of the above-named accused person was rejected. Today, the case diary is called for to decide the bail application filed on behalf of accused person.

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Today, on careful perusal of the case diary, this court finds that since from 16.12.2021, there was no further advancement in the investigation conducted by the I/O. The accused person is languishing in judicial custody since from around 19 days and the offence is related section-457/380 of IPC and the I/O has already got sufficient opportunity to unearth the truth holding an investigation and nowhere in the case diary disclosed that the I/O conducted further investigation from the date of 16.12.2021.

The I/O has already recorded the statement of all the material witnesses and the investigation is pending at the advance stage. Since the statement of all the material witnesses were been recorded by the I/O and the case is pending at advance stage of the investigation, the court finds that at this stage release of the accused persons from the judicial custody shall not hamper the investigation.

At this stage without entering in the merits of the entire alleged occurrence this Court finds that at this stage release of accused noway going to hamper the investigation. Therefore, considering all the aspect this Court finds sufficient ground to allow the bail application of the accused persons. Accordingly, considering all the aspect as well as the period of detention of accused person, named, **Md. Kolimuddin** in judicial custody and the materials available on record, accused person, named, **Md. Kolimuddin is allowed to go on bail of Rs. 15,000/- (Rupees Fifteen Thousand)** 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 their release from the judicial custody, the accused shall comply with the following conditions:-

- i) The accused person shall not hamper or temper the investigation of the I.O.
- ii) The accused shall not leave the local jurisdiction of the Court without prior permission of the O/C concerned PS.

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iii) The accused shall co-operate with the I/O till the I.O concludes his investigation.

iv) The accused person shall not repeat similar offence.

Return back the case diary to the I/O.

Inform all the concerned.

Sri N. J. Haque
Chief Judicial Magistrate
Sonitpur, Tezpur