

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

Tezpur PS Case No-2848 of 2021

GR Case No-4542 of 2021

U/S-279/447/307/326 of IPC

ORDER

05.01.2022

C.R put up today along with bail petition bearing No-11/2022 filed by the petitioner named Must. Seherul Begum praying bail of the accused named Md. Habib Ali. The bail petition filed in support with an affidavit. Heard both the sides and perused the petition with the case record.

By this order this Court proposed to dispose of the bail application filed for the above-named accused person, who is languishing in judicial custody since from 21.12.2021 in connection with this instant case. On perusal of the case record it unveiled before this court that criminal law sets in motion closely lodging an ejahar by the informant Sri Debojit Das alleging inter-alia that on 19.12.2021 at about 10:30 PM, while his brother along with his friends were talking in front of his house situated at Lalmati, the accused in an intoxicated state flock his motor cycle bearing Regd. No-AS-01/DY-1824 in a rash and negligent manner. It is also alleged that when his brother stopped the accused and told him about his act the accused went towards Lalmati Purana Ghar and took one sharp weapon i.e. Khukuri and thereafter, the accused came from back side of the house of the informant had stabbed on the head of his brother and due to that his brother sustained cut injury. It is further alleged that when his family members went near to the victim the accused also tried to attack

05.01.2022

them. It is also alleged that the injured was immediately shifted to GMCH for his treatment.

Subsequently, Tezpur PS Case No-2848 of 2021 was registered under section-279/447/307/326 of Indian Penal Code and thereafter, the above-named accused person apprehended and produced before the court on 21.12.2021 and since then he has been languishing in judicial custody.

At this stage without entering into the merits of entire dispute in hand, this court finds that the investigation is pending at premature stage.

The alleged offence is non-bailable and cognizable in nature. The nature of the alleged offences deserves meticulous investigation.

More also, the I.O also deserves a fair chance to open the entire jacket from the alleged incident holding a proper and comprehensive investigation.

Therefore, bearing in mind all the aspect this court not finds anything sensible upon which the bail prayer of accused person, named, Md. Habib Ali may be considered at this stage. More also, release of the accused person from judicial custody may hamper and temper the investigation of this case.

Hence, in the result bail prayer of the accused named, **Md. Habib Ali stands rejected** due to devoid of any merits.

Inform all the concerned.

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