

Tezpur PS Case No-1156 of 2022  
GR Case No-2193 of 2022  
U/S-380 of IPC

O R D E R

05.12.2022

Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide Order dated-23.11.2022 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 advocate of the petitioner has submitted that the accused person, namely, Sri Gourab Bora is innocent and he is no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that the allegations leveled against the accused person only for harassing him without any valid reason. The Ld. Counsel of the accused further submitted that in the event of his release on bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of the above-named accused person.

Also perused the case diary. The prosecution story in brief is as follows that complainant, namely, Sri Sourabh Sarmah stating that yesterday i.e. on 06.11.2022 at around 10:30 AM to 12:30 PM his Triban Road bike get stolen by some miscreants from his house situated at Rupak Nagar. Hence, the prosecution case.

On perusal of the case diary, it appears that investigation of this case is pending at later stage and the above-named accused person of this case have been detained in the jail hajot since from 08.11.2022 till today. On perusal of the case diary, it also appears that the I/O has already recorded all the material witnesses and also recovered the stolen article. Further, the I/O of this case has already completed the substantial portion of the investigation and accordingly, at present further detentions of the accused person is not necessary. Moreover, the I/O of this case failed to make any further investigation of this case since from 08.11.2022.

Hence, at this stage, if the accused person, namely, Sri Gourab Bora is released on bail, the process of the investigation of this case will not be hampered any more.

05.12.2022

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 person, namely, Sri Gourab Bora. Accordingly, bail prayer vide petition No-1174/2022 is allowed.

Accused person, namely, Sri Gourab Bora is allowed to go on bail of Rs.10,000/- (Rupees Ten Thousand) only 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 the release of accused from the judicial custody, the accused shall comply with the following conditions:-

- (i) The accused person shall make himself available before the investigating officer as and when required by the I/O for the investigation of the case ;
- (ii) The accused person 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 person shall not hamper the investigation or temper with the evidence of the case.
- (iv) The accused person shall co-operate with the I/O till the I.O concludes his investigation.

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

Accordingly, bail application is disposed of.

The Investigating Officer is hereby directed to conduct the investigation properly.

Inform all the concerned.

Sri N. Bhatta  
Chief Judicial Magistrate  
Sonitpur at Tezpur