

Tezpur PS Case No-897 of 2022
GR Case No-1677 of 2022
U/S-386 of Indian Penal Code

O R D E R

08.09.2022

Ld. Advocate of the petitioner has filed hazira.

Case diary as called earlier vide Order dated-30.08.2022 is received yesterday 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 persons, namely, Mr. Rizwan, Kalu Raja, Pawan Kumar, Deepak Kumar and Kasim are innocent and no way connected with the alleged offence. The Ld. Counsel of the accused persons further submitted that the accused persons are falsely implicated in this case. The Ld. Counsel of the accused persons also submitted that in the event of the release of the accused persons on bail there is no chance of their absconding. Hence, prayed to allow the bail prayer of the accused persons, namely, Mr. Rizwan, Kalu Raja, Pawan Kumar, Deepak Kumar and Kasim.

Also perused the case diary. The prosecution story in brief is as follows that complainant Sri Brijkishor Verma lodged an ejarah before the O/C of Tezpur PS alleging that some unknown persons were collecting money inadequate manner near Kaliabhomora bridge whereas they are also found speating abusive language and threatened driver to beat him if his driver deny to pay the money. They collects money by giving some improper slip or documents in the name of "Traffic Control Camp" and due to their harassment many drivers of their company decided to quit their job. Some of those culprits found doing illegal activities like pushing and pulling by snatching their collars. One of these incident happened on 15th August at 04:30 PM. Hence, the prosecution case. Accordingly, the instant case was registered under section-386 of Indian Penal Code against the accused persons.

On perusal of the case diary, it also appears that the substantial portion of the investigation against the accused has already been

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completed and the accused are in judicial custody since from 19.08.2022 till today.

From perusal of the FIR and the statement of the witnesses, it also appears that this is an offence under section-385 of IPC "Putting person in fear of injury in order to commit extortion". So, I have found materials under section-385 of IPC against the accused persons not under section-386 of IPC. Section-385 of IPC is bailable in nature. Hence, at this stage, if the accused persons are released on bail, the process of the investigation of this case will not be hampered any more. Accordingly, the accused persons, namely, Mr. Rizwan, Kalu Raja, Pawan Kumar, Deepak Kumar and Kasim are allowed to go on bail of Rs.10,000/- each 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 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.

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

Accordingly, bail application is disposed of.

Inform all the concerned.

Sri N. Bhatta
Chief Judicial Magistrate
Sonitpur at Tezpur