

Tezpur PS Case No-853 of 2020
GR Case No-1363 of 2020
U/S-457/380 of Indian Penal Code

ORDER

08.12.2022

Ld. Advocate of the accused persons, namely, Md. Gajibur Rahman and Sofikul Islam filed hazira.

Case diary as called earlier vide order dated-29.11.2022 is received today.

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 above-named accused persons are innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that the above-named accused persons were arrested only on the basis of suspicion. The Ld. Counsel also submitted that in the event of their release on bail there is no chance of their 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 the complainant Md. Sahed Ali lodged an ejahar before O/C of Tezpur Police Station through In-charge of Borghat Police Outpost alleging that Isab Ali, Abdul Salam and Babul Hussain entered into his house by breaking the lock of his house and had stolen away mobile handset and cash amount of Rs.10,000/-. Hence, the prosecution case. From perusal of the case diary, it appears that investigation of this case is still going on and yet to complete. Further, from perusal of case record, it appears that although the above-named accused persons are not the FIR named accused persons but on perusal of the case diary sufficient incriminating materials have been found against the accused persons. Hence, at this stage, if the accused persons, namely, Md. Gajibur Rahman and Sofikul Islam are released on bail, the whole process of investigation of this case will be hampered. So, under such circumstances, considering the gravity of the offence charged against accused persons, namely, Md. Gajibur Rahman and Sofikul Islam and the materials collected by the investigating officer against them, I find

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that this is not a case where the accused persons can be relied upon and enlarged on bail.

Accordingly, the bail petition No-1608/2022 filed on behalf of the above-named accused persons stands rejected.

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

Accordingly, bail application is disposed.

Sri N. Bhatta
Chief Judicial Magistrate
Sonitpur at Tezpur