

Tezpur PS Case No-935 of 2022
GR Case No-1835 of 2022
U/S-14 of Assam Games and Betting Act

ORDER

09.09.2022

Ld. Advocate of accused persons, namely, Sahjahan Ali, Arab Ali and Jahidul Islam filed hazira.

Case diary as called earlier 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 persons 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, Sahjahan Ali, Arab Ali and Jahidul Islam.

Also perused the case diary. The prosecution story in brief is as follows that complainant SI(P) Tarun Kurmi of Borghat Police Outpost under Tezpur PS lodged an ejahar alleging that on 27.08.2022 at about 05:00 PM an information has been received from a reliable source that some persons are engaged in playing illegal play card at Bhojkhowa Chapori under a Bamboo plantation and accordingly, he along with the PS staff proceeded to the spot and apprehended the above-named accused persons. It is also alleged that he along recovered some play cards along with money from their possession. Hence, the prosecution case.

On careful perusal of the case diary, it appears that the substantial portion of the investigation against the accused persons has already been completed and the accused persons have been detained in judicial custody since from 28.08.2022 till today. On perusal of the case diary, it also appears that the I.O of this case has recovered only some play cards with money and considering the later stage of the investigation, further detention of the accused is not necessary.

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Hence, at this stage, if the accused persons are released on bail, the process of the investigation of the case will be not hampered any more.

Accordingly, considering all the aspect as well as the period of detention of accused persons, namely, Sahjahan Ali, Arab Ali and Jahidul Islam in judicial custody and the materials available on record, the accused persons, namely, Sahjahan Ali, Arab Ali and Jahidul Islam are allowed to go on bail of Rs.10,000/- (Rupees Ten Thousand) each 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 and
- (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.

Accordingly, bail application is disposed.

Inform all concern.

Sri N. Bhatta
Chief Judicial Magistrate
Sonitpur, Tezpur