

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 419/2022

Mrs. Susmita Sarkar Chand

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>02-09-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Mrs. Susmita Sarkar Chand seeking bail for accused Sri Sujit Chand who was arrested in connection with Dhekiajuli PS Case No. 254/2022 u/s 307/324 IPC, corresponding to G.R. Case No. 1421/2022.</p> <p>The allegation in the FIR is that on 31-07-2022 one Dilip Dey lodged an FIR in Dhekiajuli PS alleging inter alia that on the same day at about 11.40 AM while he had been entering in his shop his adjacent shop keeper Sujit Chanda all of a sudden stabbed him repeatedly with a sharp cutting weapon behind his back causing injuries on his neck, head, back and left hand and also abuses his family with filthy language. Hence, the case.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the case diary.</p> <p>Learned counsel for State vehemently opposed the bail prayer contending that it is a clear case of attempt to murder and accused attacked the victim repeatedly with sharp cutting weapon in broad daylight. Therefore, accused do not deserve bail.</p> <p>On the other hand, learned counsel appearing for the accused vehemently contended that true it is that there was a incident between the two parties in which some minor injuries have been caused. Nevertheless, it was not an attempt to murder but simple quarrel for which police inserted Section 307/324 IPC. According to learned counsel accused has been in jail since 31-07-2022 and he has spent sufficient time in jail. Therefore, further detention of accused in judicial custody is not warranted. As such, learned counsel prays for bail.</p>	

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of contents of the case diary, it transpires that the allegation in the FIR is serious and to that effect case diary also discloses involvement of accused in stabbing the victim with sharp cutting weapon. Case diary also accompanied with a injury report which reveals the type of weapon used was sharp and nature of injury was simple. However, it was a hand written document not signed by doctor. Therefore, prima facie no reliance can be placed on the said document. As revealed in the case diary, the way accused attacked the victim with the sharp cutting weapon clearly discloses his intention to commit offence u/s 307 IPC.

Therefore, considering the nature of gravity of the offence, this court do not consider it a fit case to grant bail to accused Sri Sujit Chand. In the result, bail petition stands rejected.

Send back the case diary in seal cover.

Accordingly, the bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.