

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 589/2022

Sarafat Ali

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>21-11-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Sarafat Ali seeking bail for accused Md. Sadar Ali, Surhab Ali, Safiqul Islam, Mohiruddin @ Maharuddin, Sarif Uddin & Sajida Khatun who are in jail in connection with Tezpur PS Case No. 1057/2022 u/s 379/341/326/307/354/323/294/506/34 IPC, corresponding to G.R. Case No. 2005/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the case diary.</p> <p>The allegation in the FIR is that on 06-10-2022 one Rekha Rana filed an FIR in Borghat Out Post alleging inter alia that accused persons named in the FIR were in the habit of committing theft of bamboo from her patta land and on the day of lodging the FIR, at about 12 noon, when accused were cutting bamboo with a view to commit theft, she having seen it, restrained and protest against such illegal act. In which accused persons prevented her and assaulted her with sharp cutting weapon on her head causing grievous injury. Apart from that, accused have touched her private parts and outraged her modesty. Accused persons even assaulted her sister and brother who came to her rescue. Hence, the case.</p> <p>It is submitted by learned counsel for State that allegations in the FIR is serious in nature as accused persons assaulted the victim with sharp cutting weapons causing injuries. Therefore, given the nature of the offence alleged, and so far evidence gathered by I.O. the accused persons do not deserve to be released on bail.</p>	

On the other hand, learned counsel appearing for the accused persons contends that as against the allegations made in the FIR, no such serious incident took place. There was no such attempt to kill the informant. There was small incident of pull and push in the process of quarrel between the parties. It is submitted that accused have been in judicial custody since 08-10-2022.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary including injury report of the victim, it appears that informant cum victim Rekha Rana suffered swelling and abrasion in her forehead measuring 1 cm x 1 cm and Narmada Rana suffered swelling and tenderness in left leg and swelling in head. Nagesh Kumar Rana suffered bleeding on nose, laceration below right eye, tenderness on both sides of face. It appears that the injuries suffered by the alleged victims are all simple in nature caused by blunt object. There is no evidence to show that sharp cutting instruments have been used in the alleged incident.

Moreover, case diary reveals that accused have been languishing in judicial custody since 08-10-2022 for about 47 days. In the meantime, the investigation of the case has almost been completed.

Therefore, considering all the attending facts, this court is of the view that the accused may be enlarged on bail. Accordingly, accused persons namely, Md. Sadar Ali, Surhab Ali, Safiqul Islam, Mohiruddin @ Maharuddin, Sarif Uddin & Sajida Khatun are enlarged on bail of ₹25,000/- (Rupees Ten Thousand) only with one local surety of like amount i/d jail to the satisfaction of learned Elaka Magistrate.

Send back the case diary in seal cover.

Accordingly, bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.