

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 601/2022

Mridul Das

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>28-11-22</u>	<p>Case is put up before me along with the case diary. The case record is withdrawn from the court of Addl. Sessions Judge, (F.T.C.) Sonitpur, Tezpur to my court for disposal.</p> <p>This is an application u/s 438 Cr.P.C. filed by accused/petitioner Mridul Das seeking pre-arrest bail in connection with Tezpur PS Case No. 1705/2012 u/s 406/420 IPC, corresponding to G.R. Case No. 2966/2012.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the case record.</p> <p>The allegation in the FIR in brief is that accused is known to informant and being an acquaintance of informant and good relationship accused took a loan of ₹7,80,000/- from the informant through RTGS Payment on 22-03-2011 but the accused despite repeated request did not return the money and avoiding the same in one pretext or the other and now shifted his residence from Tezpur to Dhekiajuli with a view to defeat the legitimate right of the complainant. Hence, this case.</p> <p>It is seen that after investigation, police submitted charge-sheet and the case is pending for trial before the Magistrate but due to non-appearance, warrant of arrest was issued against accused. It is pleaded that accused had no knowledge of the charge-sheet and did not receive any notice or summons whatsoever. Hence, the present application seeking pre-arrest bail.</p> <p>Having heard the contentions of the learned lawyers appearing for both sides and on careful perusal of the contents of</p>	

the case record, it transpires that by and large the offence alleged appears to be of civil nature and charge-sheet was also filed long back in the year 2017. Considering the fact of the case, it transpires that case was old pending one and charge-sheet has already been filed and now accused is only required to appear in court and face trial. In such circumstances, detention of accused in custody is not warranted.

Accordingly, accused on being appeared before the trial court, the trial court is directed to release accused petitioner Mridul Das on pre-arrest bail in execution of a bond of ₹15,000/- (Rupees Fifteen Thousand) only with one local surety of like amount to the satisfaction of concerned Magistrate.

Send back the case record.

Accordingly, bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.