

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 604/2022

Sri Nagen Bordoloi

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>01-12-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Sri Nagen Bordoloi seeking bail for accused Sri Biraj Bordoloi who is in jail in connection with Tezpur PS Case No. 1179/2022 u/s 354/307/323 IPC, corresponding to G.R. Case No. 2216/2022.</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 14-11-2022 at about 6.10 PM the FIR named accused without any reason grabbed her mouth from behind and disrobed her wearing cloths. It is also alleged that the accused tried to kill her by pressing her neck and when she made hue and cry, one Ranjan Mech came to save her life. The accused also assaulted the informant cum victim as well as Ranjan Mech by giving fist blows. Hence, the case.</p> <p>It is submitted by learned counsel for State that it is serious case of assaulting and trying to commit murder of informant cum victim as well as Ranjan Mech. Therefore, given the nature of the offence alleged, the accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel appearing for the accused contends that the accused is innocent as there was no such incident occurred. The FIR was lodged only to harass the accused. Moreover, accused has been languishing in judicial custody since 15-11-2022. Hence, learned counsel for accused prays for bail.</p> <p>Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of</p>	

the case diary including the medical report, it is seen that as per medical report submitted by Senior Medical & Health Officer, KCH, Tezpur doctor did not find any injury on the person of Parinita Sut the informant cum victim at the time of examination and on examination of Ranjan Mech doctor found swelling & bruise over lower hip and the injury was simple caused by blunt object. As it seems, the offence u/s 307 is prima facie not appears in this case.

Moreover, accused has been in jail since 14-11-2022.

Therefore, considering all the attending facts, accused Sri Biraj Bordoloi is enlarged on bail of ₹15,000/- (Rupees Fifteen 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.