

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 607/2022

Sri Sanjib Chetry

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>06-12-22</u>	<p>Case is put up before me along with the case diary. The case record is withdrawn from the court of Asstt. Sessions Judge, Sonitpur, Tezpur to my court for disposal.</p> <p>This is an application u/s 438 Cr.P.C. filed by accused/petitioner Sri Sanjib Chetry seeking pre-arrest bail in connection with Tezpur PS Case No. 1198/2012 u/s 341/326 IPC, corresponding to G.R. Case No. 2235/2022.</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 in brief is that victim Sri Suraj Atri the son of informant work in a shop under the name and style "Barnamala" and he used to return back home at night at 11/12 everyday. On 18-11-2022 when the victim was returning home informant called him which was received by Narayan Chetry who informed him that accused named in the FIR Sanjib Chetry assaulted his son on his head with a sharp cutting weapon and as a result of which her son sustained grievous injury. Then, Sri Biju Chetry, Ajit Biswakarma, Sri Loknath Chetry took his injured son to TIMES Hospital. Hence, the case.</p> <p>It is submitted by learned counsel for State that it is a serious case of attempt to murder as accused petitioner assaulted the victim on his head with a sharp cutting weapon for which victim sustained grievous injury and had to undergo surgery. Therefore, given the serious nature of the allegation, learned P.P. contends that it is not a fit case to consider pre-arrest bail to accused petitioner.</p>	

The informant vide petition No. 504/2022 objected through P.P. for grant of pre-arrest bail to accused contending that accused caused grievous injury to victim by sharp cutting weapon with a view to kill him but victim had a providential escape. Now he had to undergo surgery and suffering from the injuries caused. Therefore, it is prayed that accused may not be released on bail.

On the other hand, learned counsel appearing for the accused petitioner contends that the injury of the kind received by the alleged victim fall within the parameters of offence u/s 325 IPC instead of Section 326 IPC therefore the accused deserve pre-arrest bail. The injury was allegedly caused while there was scuffled between the parties and the blunt side of the khukuri somehow hit on the head of the injured without any premeditation or criminal intent. Since the injury is simply grievous in nature, it is a fit case in which accused may be given the benefit of pre-arrest bail.

Having heard the assiduous contentions of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary including the medical report of the victim, it transpires that the injury allegedly sustained by victim was fracture of the left parietal bone. Moreover, case diary do not reveal that the victim has been admitted in hospital and he took treatment for about 20 days. The medical documents annexed with the bail objection petition reveals that victim was admitted in the hospital on 19-11-2022 and discharged on 22-11-2022 and medical report annexed with the case diary do not reveals that victim sustained grievous injury but fracture only for which he had undergo stitching.

The case was not registered u/s 307 IPC and why this Section is not been inserted is best known to the Investigating Officer. Therefore, after dispassionate consideration of all the attending factors as stated above, this court is of the view that this is a case where the benefit of pre-arrest bail can be extended

	<p>to the accused person.</p> <p>Accordingly, the I.O. is directed to release accused petitioner Sri Sanjib Chetry on pre-arrest bail in execution of a bond of ₹30,000/- (Rupees Thirty Thousand) only with two local sureties of like amount to his satisfaction in the event accused is arrested in connection with the instant case.</p> <p>Send back the case diary in seal cover.</p> <p>Accordingly, bail petition is disposed of.</p>	<p>Sessions Judge, Sonitpur, Tezpur.</p>
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