

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 617/2022

Achiya Khatun

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>30-11-22</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 The case record is withdrawn from the court of Asstt.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 439 Cr.P.C. filed by Achiya Khatun seeking bail for accused Ramjan Ali who is in jail in connection with Thelamara PS Case No. 80/2022 u/s 379/413 IPC, corresponding to G.R. Case No. 1919/2022.</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 04-10-2022 one Prabin Topno lodged an FIR in Thelamara PS alleging that on 03-10-2022 at about 9.30 PM his bicycle bearing No. AS12-V-2963 has been stolen from Thelamara Bapuji Puja Mandap while he came there to enjoy Puja. The bike was stolen by breaking the lock and after enquiry came to know that one Ibrahim Ali, Ramjan Ali @ Sarif Sanwar had stolen his bike.</p> <p>I have heard the learned lawyers appearing for both sides.</p> <p>It is seen that accused was arrested by police on 05-10-2022 for about 57 days and the I.O. submitted the charge-sheet on 07-11-2022 before completion of statutory period.</p> <p>As per Section 167(2) Cr.P.C. accused is not entitled to bail as a matter of right.</p> <p>However, learned counsel for accused submits that accused has spent sufficient time in judicial custody and after filing charge-sheet detention of accused in judicial custody is no longer required. Therefore, prays for bail.</p>	

		<p>Having considered all the attending factors, particularly, keeping in mind the fact that after filing charge-sheet there is no requirement of detention of the accused for the purpose of further investigation. Moreover, it is apparent on record that accused has so far spent 57 days in judicial custody.</p> <p>Therefore, considering the length of detention of accused in judicial custody, he is released on bail on execution of a bond of ₹20,000/- (Rupees Twenty Thousand) with one local surety of like amount i/d jail to the satisfaction of learned Elaka Magistrate.</p> <p>Accordingly, the case is disposed of.</p> <p>Send back the case diary in seal cover.</p>	<p>Sessions Judge, Sonitpur, Tezpur.</p>
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