

**ORDER SHEET FOR MAGISTRATE'S RECORDS. Adv: S. Khan  
DISTRICTS : SONITPUR**

**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**

**MISC. (CRIMINAL (Bail) Case No. 586 of 2022**

**Parbina Khatoon , Petitioner VS. STATE OF ASSAM.**

Sl. No.	Date	<u>order</u>	Signature
	<b><u>08-12-22</u></b>	<p>Case is put up before me along with the case diary. The case record is withdrawn from the court of Assistant Sessions Judge, Sonitpur, Tezpur to my court for disposal.</p> <p>This is an application filed u/s 439 Cr.P.C. by Parbina Khatoon, seeking bail for accused Kamal Hussain, in connection with Tezpur PS Case No. 355/22 u/s 420/392 IPC, corresponding to GR case No. 655 /2022.</p> <p>I have heard the learned lawyers appearing for both sides.</p> <p>Learned counsel appearing for the State vehemently objected the prayer for bail contending inter-alia that the present accused along with few others have been cheating innocent people by selling duplicate gold to be genuine and thereby looting money illegally. There is evidence in the case diary that accused has been involved in the illegal activities. Therefore, accused may not be released on bail.</p> <p>On the other hand, learned counsel appearing for accused contends that present accused is innocent and he has been wrongly framed without having any complicity with the alleged offence. It is submitted that accused has been languishing in jail since on 20-10-2022 and by this time investigation has almost been completed. Therefore, detention of the accused in judicial custody for the purpose of further</p>	

investigation is not warranted. It is submitted that accused so far spent almost 50 days in judicial custody.

Having heard the learned lawyers appearing for both sides and on perusal of the case diary, it transpires that there is material to show the involvement of the accused along with others of cheating innocent persons of selling gold by employing innovative method and trapping and few of the co-accused involved in such activities are still at large. Police is searching them but so far could not be arrested. Be that as it mentioned that the present accused has been in judicial custody for 50 days so his further detention appears not warranted.

Taking note of all the attending factors, accused Kamal Hussain is enlarged on bail of Rs. 20,000/- (Rupees Twenty thousand) only with one local surety of like amount in default to jail to the satisfaction of learned Eleka Magistrate, Sonitpur, Tezpur.

The bail application is accordingly stands disposed off.

Let the case diary be returned.

(C.B. Gogoi)  
Sessions Judge,  
Sonitpur, Tezpur