

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Misc. Criminal (Bail) No. 417/2022

Sri Lakheswar Daimary

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>03-09-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Sri Lakheswar Daimary seeking bail for accused Sakal Daimary in connection with Chariduar PS Case No. 128/2022 u/s 379/411/34 IPC r/w Section 7 of EC Act, 1955 corresponding to G.R. Case No. 1475/2022.</p> <p>The allegation in the FIR is that on 08-07-2022 at 11.30 PM at 8 mile Sonaisiri, police caught the truck bearing Registration No. AS25 BC6502 while filling LPG from full LPG Cylinder to blank cylinder in the house of one Rajib Daimary and accordingly police caught 10 nos. of cylinder red handed and on being enquired the driver Sakal Daimary told that the cylinders were brought from North Guwahati to Arunachal Pradesh and on the way he sold 10 nos. of cylinder which were purchased by some unscrupulous person. But accused No. 2 Rajib Daimary fled away by taking advantage of darkness. However, police seized the truck bearing Registration No. AS25 BC6502 along with gas cylinders and seized the same. Hence, the case.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the contents of the case diary.</p> <p>Learned counsel for State submitted that it is a case of theft of very essential LPG Cylinder by person who was in-charge of carrying the gas cylinder from the production centre to Arunachal Pradesh for distribution. Moreover, this court already rejected the bail prayer of accused vide order dated 18-08-2022 in Misc. CrI. (Bail) Case No. 368/2022. Therefore, accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel appearing for accused person assiduously contended that accused is a poor driver and</p>	

accused No. 2 named in the FIR is his relative and on the way to Arunachal Pradesh from Guwahati he stayed in the house of accused No. 2 and on the basis of wrong information, police caught him. But, other accused fled away. Nevertheless, accused has been in jail since 09-07-2022 and till date accused has been in jail for 57 days. Learned counsel further submits that detention of accused in judicial custody for the purpose of further investigation is not necessary, so accused may be released on bail.

Having considered the contention of the learned counsels appearing for both sides and on careful perusal of the case diary, it transpires that accused appears to be a veteran thief who on the way to Arunachal Pradesh sold 10 nos. of full LPG Cylinders in between Rowta and Orang and collected 10 blank cylinders and in the house of Rajib Daimary who is a known person to him was involved in refilling the empty gas cylinders from the full gas cylinders in his truck with the help of instruments and in the meantime police came and caught him but accused Rajib fled away.

Case diary also reveals that accused was arrested by police on 09-07-2022 and since then he has been in judicial custody for 57 days. It is also seen from case diary that the I.O. did not made any investigation since 13-08-2022 and there is no specific prayer from I.O. that detention of accused is necessary for further investigation.

Therefore, considering the period of detention, accused Sakal Daimary is enlarged on bail of ₹25,000/- (Rupees Twenty Five 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, the case is disposed of.

Sessions Judge,
Sonitpur, Tezpur.