

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Misc. Criminal (Bail) No. 480/2022

Md. Rafiqul Islam

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>20-10-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Md. Rafiqul Islam seeking bail for accused Md. Azibur Rahman who was arrested by police on 28-08-2022 in connection with Tezpur PS Case No. 934/2022 u/s 302/34 IPC corresponding to G.R. Case No. 1834/2022.</p> <p>The allegation in the FIR is that on 27-08-2022 informant lodged an FIR in Tezpur PS stating inter alia that on 26-08-2022 at about 7 PM her son namely Inrazul Haque closed his shop and came to home. On the same day at about 9.30 PM the FIR named accused persons called her son and took him outside but her son did not return home. Then, complainant along with others searched for him but could not able to trace him out. Subsequently, on 27-08-2022 the dead body of her son was found at the pond of Abul Ali. The complainant suspect that the FIR named accused persons committed the murder of her son and threw the dead body in the pond. 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 heinous crime of murder of the only son of informant and after committing the murder threw the dead body in the pond. Moreover, there are sufficient materials emerged in the case diary. So, accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel appearing for accused strenuously argued that accused is no way connected with the case. Police arrested the accused only on suspicion. There is no eye witness to the occurrence. Moreover, accused has been languishing in judicial custody since 28-08-2022 i.e. for 54 days.</p>	

So, learned counsel for accused prays for bail.

Having considered the contention of the learned counsels appearing for both sides and on careful perusal of the case diary, it transpires that on the day of incident present accused along with Minul, Mukhtar, Saidul and deceased Imrajul were seen talking on the bank of a pond in the evening hours and on the same day deceased disappeared but in the morning the dead body of deceased was found floating on the pond.

Case diary reveals that on the said date accused were seen drinking alcohol and deceased was also seen sleeping on the bank of pond.

Since death of deceased was caused under mysterious circumstances and there is no clear indication that present accused is not involved in the case rather, he had been last seen together with the deceased and other colleagues. Therefore, the complicity of the present accused in the alleged incident of death of deceased cannot be ruled out at this stage.

Therefore, considering the nature and gravity of the offence, this court do not consider it a fit case to grant bail to the accused. In the result, bail petition stands rejected.

Send back the case diary in seal cover.

Accordingly, the case is disposed of.

Sessions Judge,
Sonitpur, Tezpur.