

**ORDER-SHEET FOR MAGISTRATE'S RECORDS**  
**DISTRICT : SONITPUR.**  
**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**  
**Misc. Criminal (Bail) No. 510/2022**

Saiful 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 Saiful Islam seeking bail for accused Bayanul Islam @ Babul who was arrested by police on 12-09-2022 in connection with Tezpur PS Case No. 931/2022 u/s 392 IPC corresponding to G.R. Case No. 1711/2022.</p> <p>The allegation in the FIR is that the complainant is a head constable of Indian River Police and one &amp; half year ago he came to Tezpur Mental Hospital to attend one of relative who was admitted in that hospital and at that time he met with a person who introduced himself as Mona and they exchanged their phone numbers with each other. After that, they talked with each other once in a while and on 25-08-2022 while complainant was travelling from Dimapur to Guwahati, Mona called him by mobile No. 9612443398 and asked him about his whereabouts and in response to that complainant said he was going to Guwahati with cash money of ₹15 Lakhs to buy two cars then he told complainant that he has two vehicle one in Vitara Breeza and one is Renault Duster and he want to sale those vehicles at a cheap price. After hearing that complainant thought that he can get those vehicles in a cheap price then complainant told him that he want to buy those vehicles and after hearing this Mona told him to come to Tezpur by Bus and accordingly complainant arrived at ASTC Bus Stand Tezpur and then took the complainant to a place in Tezpur area and then Mona along with Nurjamal Haque &amp; 5/6 others snatched away the leather bag containing ₹15 Lakhs. 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 vehemently objected granting of</p>	

bail to accused stating inter alia that there is direct evidence of involvement of accused person in the alleged offence which is serious in nature and in such nature of evidence having been existed, accused do not deserve to be released on bail.

On the other hand, learned counsel Sri B. Barthakur appearing for accused strenuously argued that allegation against accused are all false and concocted. There is no evidence whatsoever showing direct complicity of accused person with the alleged offence. More particularly, during the course of investigation, police failed to recover a single penny even though accused persons allegedly robbed an amount of ₹15 Lakhs. Therefore, accused deserve to be released on bail as police failed to collect any concrete evidence against his client.

Having considered the contention of the learned counsels appearing for both sides and on careful perusal of the entire case diary, it transpires that the accused has committed serious crime by innovative manner and eventually robbed ₹15 Lakhs from the victim. The crime is admittedly serious in nature and case diary bear sufficient evidence showing the complicity of the present accused person in the commission of the offence along with his other colleagues.

This is a serious crime and taking into consideration all the attending facts that have emerged in the case diary, 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.