

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Misc. Criminal (Bail) No. 537/2022

Sukel Anuwar Mehdi

Vs.

State of Assam

| Sl. No. of Orders | Date | Order | Signature |
|--------------------------|------------------------|---|------------------|
| | <u>01-11-22</u> | <p>This is an application u/s 439 Cr.P.C. filed by Sukel Anuwar Mehdi seeking bail for accused Md. Sarif Saruwar Mehdi @ Bhaiti who was arrested by police in connection with Thelamara PS Case No. 80/2022 u/s 379/413 IPC corresponding to G.R. Case No. 1919/2022.</p> <p>The allegation in the FIR is that on 04-10-2022 informant lodged an FIR stating inter alia that on 03-10-2022 at 9.30 PM while he went to Bapuji Bhawan to see 'Puja', his Pulsar Bike bearing Registration No. AS-12V-2963 was parked in front of Bapuji Bhawan and when he returned he did not find his pulsar motorcycle. Informant suspects that someone stole the motorcycle by breaking the lock. Thereafter, he came to know that his motorcycle was stolen by Ibrahim Ali, Ramjan Ali & Sarif Saruwar and they are carrying out this illegal act since long. 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 bike from public place by breaking the lock and case diary indicates sufficient materials showing the complicity of the present accused in the alleged offence of theft. Therefore, accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel Sri Rajiv Gohain appearing for accused person contended that his client is totally innocent. He was neither involved in the theft nor stolen bike was recovered from his possession. Therefore, accused may be enlarged on bail.</p> | |

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 allegation against accused are commission of theft of motorcycle from public place and contrary to the submission made by learned counsel appearing for accused case diary indicates formidable materials showing the complicity of the accused person in the commission of theft of the motorcycle.

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.