

**ORDER-SHEET FOR MAGISTRATE'S RECORDS**  
**DISTRICT : SONITPUR.**  
**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**  
**Misc. Criminal (Bail) No. 542/2022 & 556/2022**

**Peruj Khan & Khorsed Chowdhury Vs. State of Assam**

Sl. No. of Orders	Date	Order	Signature
	<b><u>04-11-22</u></b>	<p>Seen petition No. 2321/2022 filed by Peruj Khan seeking bail for accused persons namely, Md. Morjhan Khan @ Marjhan Khan &amp; Md. Umar Ali @ Omer Ali Khan and seen petition No. 2364/2022 filed by Khorsed Chowdhury seeking bail for accused Annas Chowdhury in connection with Chariduar PS Case No. 165/2022 u/s 306/341/392/406/34 IPC r/w Section 7C(1)(2)/12(a) of Assam Money Lender's (Amendment) Act, 1968, corresponding to G.R. Case No. 1792/2022.</p> <p>Since, both the bail applications have arisen out of the same police station case, therefore, both the bail applications are taken together for disposal.</p> <p>The allegation in the FIR is that on 03-09-2022 her (informant) husband Krishna Orang went out of his house at about 7.30 AM but he did not return home. However, at 2.30 PM his body was found hanging. It is learnt that accused persons named in the FIR gave loan to her husband at 10% interest per month and for alleged default of payment of interest for two months accused Anil Das assaulted her husband on his way back home and took away his bicycle and another named accused Annas Ali Choudhury captured his ATM card since 2016 and withdraw his entire salary as soon as it was deposited in the bank account and accused have been physically and mentally torturing him for long. Unable to bear the pain and torture, her husband has to choose the drastic step of committing suicide. 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 allegation against</p>	

the accused persons are serious in nature and case diary indicates sufficient materials against the accused person showing his direct involvement in the alleged offence which forced the victim to take the extreme step of committing suicide. Therefore, learned counsel submits that accused persons do not deserve bail.

On the other hand, learned counsel appearing for accused persons assiduously contends that the co- accused Anil Das has already been granted bail by the learned Addl. Sessions Judge, Sonitpur, Tezpur. Moreover, it is contended that accused persons namely, Md. Morjhan Khan @ Marjhan Khan & Md. Umar Ali @ Omer Ali Khan were arrested by police on 06-09-2022 and till today they have been in judicial custody for 60 days. On the other hand, accused Annas Chowdhury was arrested by police on 08-09-2022 and till today he has been in custody for 58 days.

Having heard the learned counsel appearing for both sides and on careful consideration of the case diary, it transpires that the submission made by the learned counsel appearing for the accused persons tally with the case diary as the accused persons namely, Md. Morjhan Khan @ Marjhan Khan & Md. Umar Ali @ Omer Ali Khan were arrested by police on 06-09-2022 and till today they have been in judicial custody for 60 days. So, they have completed the statutory period of custody in jail. On the other hand, accused Annas Chowdhury was arrested by police on 08-09-2022 and till today he has been in custody for 58 days.

Even though, this court rejected the bail prayer of the accused Annas Chowdhury considering the nature and gravity of the offence, but, now considering the length of detention and also taking into consideration the fact that there is no further investigation in the case needs to be made, therefore, considering the factor of detention of accused persons in judicial custody, they are allowed to go on bail of ₹20,000/- (Rupees Twenty Thousand) only **each** with one local surety of like amount **each** i/d jail to the satisfaction of learned Elaka Magistrate.

Send back the case diary in seal cover.

Accordingly, both the bail applications are disposed of.

Sessions Judge,  
Sonitpur, Tezpur.