

Misc. CrI (Bail) CASE NO. 473 OF
2021

07-01-2022

The Id. Advocate of the accused petitioner is present.

The petition No.1528/2021 filed u/s 438 Cr.P.C. by the accused petitioners Saikul Islam and Rafiqul Islam for granting pre-arrest bail to him in connection with Tezpur PS Case No.2582/2021 corresponding to GR Case No.4148/2021 u/s: 406/420/468/34 of I.P.C. is taken up for hearing as the case diary as called for has been received on today.

Heard both sides on the instant bail petition.

Perused the instant bail petition. The learned advocate of the accused petitioners has stated that the accused petitioners are no way connected with the offence as alleged in the FIR, but they were falsely implicated with this case.

Perused the case diary. The prosecution story is that the complainant Md. Kusum Ali lodged an FIR before the Borghat out post on 18-11-2021 to the effect that he received Rs. 19,47,000/- from the Government as the value of his land. After that he along with his son Saikul Islam went to the Axis Bank of Tezpur Branch to open a Savings account and deposited this amount on his account no.920010069054321. However, his son Saikul Islam fraudulently withdrew all the amount from his account by forge signature of him. After that on 20-11-2021 when he asked his son Saikul Islam regarding the incident then his

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both sons Saikul Islam and Rafiqul Islam insulted him and attempted to assault him. Receiving the ejahar the O/C of Tezpur P.S. registered a case as Tezpur PS Case No.2582/2021 u/s 406/420/468/34 of I.P.C. and started investigation there on.

On perusal of the case diary, it shows that the investigating officer has not completed the investigation till today and he searched the both accused petitioners but they avoided the investigating officer from interrogation. Further, the case diary reveals sufficient incriminatory materials against the accused petitioners. At this stage, if the accused persons are released on bail, the whole process of investigation of the case will be hampered. Under such circumstances, considering the gravity of the offences charged against him and the materials collected by the investigating officer against him, I find that this is not a case where accused petitioners Saikul Islam and Rafiqul Islam can be relied upon and enlarged on pre-arrest bail.

Hence, the bail petition is rejected.

Inform the O/C of the concerned Police Station.

Send back the case diary.

Misc. CrI (Bail) case is disposed of.

Asstt. Sessions Judge
Sonitpur : Tezpur