

Misc. CrI (Bail) CASE NO. 491 OF 2021

18-01-2022

The learned advocate of the petitioner is present.

The bail petition bearing petition No.1581/2021 dated 20-12-2021 filed on behalf of accused Sanalcha Daimary u/s 439 of CrPC for granting bail to him in connection with Missamari PS Case No.99/2021 corresponding to GR Case No.3778/2021 under Sections 447/323/34 of IPC read with Section 25 (1-a)/27 of Arms Act is taken up for hearing as the case diary as called for is received on today.

Heard both sides on the instant petition.

Perused the instant bail petition. The learned advocate of the accused has pleaded that the accused has been falsely implicated in the case without committing any offence as alleged by the complainant in the FIR.

Perused the case diary. The prosecution case is that on 02-12-2021 Forest Range Officer, Kalamati Range, lodged an ejahar before the Missamari Police Station alleging that the team of 8 front line staff led by Nayanjyoti Borah (Fr.1) from Kalamati Range went for foot patrolling near Dikeswari Anti-poaching Camp and saw two miscreants illegally entered inside forest and sitting under a temporary shelter made by them. While the team approached them they hit one of their staff with stick and fled away from the place of occurrence. Suddenly 3 rounds of bullets have been fired at the staff from

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inside the forest and in retaliation the patrolling team also fired 3 rounds of bullets towards them and left the place thereafter realized that they are more in strength and a handmade gun also recovered from the place of occurrence. On receiving the ejahar, O/C of Missamari PS registered a case as Missamari PS Case No.99/2021 under Sections 447/323/34 of IPC read with Section 25 (1-a)/27 of Arms Act and started investigation of this case.

On perusal of the case diary, it shows that the investigation of this case is pending and yet to complete. Apart from, sufficient incriminatory materials have been found against the accused Sanalcha Daimary. The alleged offence alleged against the accused Sanalcha Daimary is quite serious in nature. At this stage, if the accused Sanalcha Daimary is released on bail, the whole process of investigation of the case will be hampered. So, under such circumstances, considering the gravity of the offence charged against accused Sanalcha Daimary and the materials collected by the investigating officer, I find that this is not a case where the accused person can be relied upon and enlarged on bail. Accordingly, the bail petition No.1581/2021 filed on behalf of accused Sanalcha Daimary is rejected.

Send back the case dairy.

Misc. CrI (Bail) case is disposed of accordingly.

Inform all concern.

Asstt. Sessions Judge
Sonitpur : Tezpur