

Tezpur PS Case No-1261 of 2022
GR Case No-2371 of 2022
U/S-436 of Indian Penal Code

ORDER

13.12.2022

Case record put up today along with bail application no-1666/2022 filed by petitioner, namely, Smt. Nitumoni Das praying bail of accused person, namely, Sri Sankar Das.

Heard learned counsels of both sides on the instant petition. Also perused the instant petition. The learned advocate of the petitioner has submitted that the above-named accused person is innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that the accused is falsely implicated in this case and in the event of his release of bail there is no chance of his absconding. Hence, prayed to allow the bail prayer of accused person.

The prosecution story in brief is as follows that complainant Md. Abdul Rouf has lodged an ejahar before the O/C of Tezpur PS through I/C of Lalmati Police Outpost to the effect that some unknown miscreants came in a car and stopped in front of his house and burnt his car bearing Regd. No-AS-12/R-5135 (Maruti Suzuki) and his brothers wooden boundary wall, which was parked in front of his house situated near the roadside. It is also alleged that the entire incident was recorded in a CCTV camera installed in his brother's house and it was clearly seen in the CCTV footage that the person who burnt his car in Chevrolet Beat car and it was also identified that the person was Sri Sankar Das. Hence, the prosecution case.

The case is under initial stage and the alleged offence is non-bailable and cognizable in nature. The alleged offence of section-436 of IPC is exclusively triable by Hon'ble Court of Sessions.

13.12.2022

At this stage, if the accused person is released on bail, the whole process of investigation of this case will be hampered.

So, under such circumstances, considering the gravity and seriousness of offence alleged against the above-named accused person and the initial stage of investigation, 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-1666/2022 filed on behalf of the above-named accused person stands rejected.

Inform all the concerned.

Sri Nabajit Bhatta
Chief Judicial Magistrate
Sonitpur, Tezpur