

29/09/2020 CR is received on transfer for disposal.

Seen the bail application filed up 439 Cr.P.C. for the accused Sri Bonifant Tinkey @ Buni Tinkey who has been in judicial custody since 26/07/2020 in connection with Barbaruck P.S. case no. 220/2020.

Heard both the sides on the bail application through video-conferencing. Perused the case record.

(contd.)

Advt. District & Sessions Judge  
Dibrugarh

Cr. Misc. (B) Case no. 533/2020

29/09/2020  
(contd.)

It is seen that Barbarmah P.S. Case no. 220/2020 was registered u/s 306, IPC. An offence u/s 306, IPC is punishable, at the maximum, with imprisonment for 10 years. The accused has been in judicial custody since 26/07/2020 i.e. for 65 days. But the statutory period of detention for an offence u/s 306, IPC is 60 days.

Let a report be called for from the learned C.M., Dibrugarh as to whether or not report in F/F [u/s 173(2) Cr.P.C.] has been submitted in Barbarmah P.S. Case no. 220/2020. The report shall reach this Court by today.

If charge-sheet has been submitted in the case, learned C.M., Dibrugarh shall send the CR of Barbarmah P.S. Case no. 220/2020 along with charge-sheet before this Court by today.

D/A shall take necessary step.

js

Addl. District & Sessions Judge  
Dibrugarh

sd C.M. Dibr  
6/9/2020  
29/09/2020

Present: Shri Jaspal Singh  
Addl. Sessions Judge, Dibrugarh

**Crl. Misc. (B) Case No. 533/2020**

**29.09.2020**

(Later on) Received a copy of the Order dated 29.09.2020 passed by the learned Chief Judicial Magistrate, Dibrugarh in Barbaruah P.S. Case No. 220/2020 wherein he has mentioned that report in F/F is not yet received.

Heard both the sides through video-conferencing.

Based on the allegations levelled in the FIR dated 25.07.2020 in connection with the death of the informant's wife, a case was registered being Barbaruah P.S. Case No. 220/2020 u/s. 306 of IPC.

As mentioned by me in the Order passed earlier today, the accused Sri Bonefast Tirkey @ Buni Tirkey has been in judicial custody in connection with the aforementioned case since 26.07.2020 i.e. for 65 days. The statutory period of detention for an offence u/s. 306 of IPC, which is punishable with imprisonment upto 10 years, is 60 days. As the police have not yet completed the investigation and not submitted the report in F/F as yet, an indefeasible right to go on bail has accrued to the accused Sri Bonefast Tirkey @ Buni Tirkey in view of section 167(2) Proviso (a) (ii) of Cr.P.C.

Accordingly, the accused Sri Bonefast Tirkey @ Buni Tirkey is allowed to go on bail on furnishing bail-bond of Rs. 20,000/- (rupees twenty thousand) with a suitable surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Dibrugarh, but with the following conditions:-

1. That the accused shall cooperate with the Investigating Officer in the remaining investigation of the case;
2. That the accused shall not tamper with the evidence or hamper the investigation of the case in any manner;
3. That the accused shall not induce, influence or intimidate the witnesses of the case; and
4. That the accused shall not commit any offence similar to the one alleged in the present case.

**Continued**

  
Addl. District & Sessions Judge  
Dibrugarh

Present: Shri Jaspal Singh  
Addl. Sessions Judge, Dibrugarh

**Crl. Misc. (B) Case No. 533/2020**

**29.09.2020**  
**Contd.**

This Crl. Misc. (B) Case accordingly stands disposed of.

Copies of this Order as well as the Order passed earlier today be released to the learned Advocate for the accused as "certified to be true copy" under the signature of the Bench Assistant.

  
Addl. District & Sessions Judge  
Dibrugarh