

Present: : **Sri S.K. Kabra**
Addl. District and Sessions Judge (FTC)
Dibrugarh.

Criminal Misc. (B) Case No. 694/2021

Order

04.12.2021

Ld. Counsel for the accused/petitioner and Ld. Addl. PP Smti. Chinmoyee Dutta are present.

This is a petition u/s 439 of CrPC for granting bail to the accused Md. Kamal Hussain, who is in judicial custody, in connection with Duliajan P.S. Case No. 488/2021, registered u/s 420/406 of IPC.

Called for case diary received. I have perused the same.

I have heard both the parties.

During hearing learned counsel for the accused submits that the accused is an innocent person. He further submits that the dispute is purely civil in nature and the informant Sri Prasanta Konwar has lodged the FIR just to harass and unjustifiably extract money from the petitioner/accused. The petitioner has no intention to cheat the informant and he is still ready to settle the accounts with the informant. It is further stated that the vehicles were already handed over to the owners. Learned Counsel for the accused further submits that accused person shall abide by any condition imposed upon him if bail is granted.

It appears from the ejahar that Sri Prasanta Konwar (The informant) had alleged that he had given 3 (three) cars to the accused on hire. It is also alleged that the accused had not paid the hire charges and returned the vehicles. Accordingly the ejahar was lodged.

On the other hand, learned Addl. PP has opposed the bail petition.

I have considered the submissions of both sides.

Record reveals that the accused was taken into custody by the police on 15.11.2021 in the present case. On the same date the statement of the accused was recorded by the police. Record further reveals that the investigation has progressed substantially.

Considering the entire facts and circumstances, including the nature of charges, I am of the view that further custodial investigation of the accused person Shri Kamal Hussain may not be required in the present case. Accordingly, **the prayer for bail is allowed.**

Accused persons **Shri Kamal Hussain** is allowed to go on bail on furnishing a bond of Rs. 20,000/- with one surety of like amount to the satisfaction of the concerned Ld. Elaka Magistrate with further conditions that :-

- a) Accused shall co-operate with the investigative agency and appear before the them and before Court as and when called for;
- b) Accused shall not commit any similar offence;
- c) Accused shall not try to influence the prosecution witness;
- d) Accused shall not tamper with the evidence.

Send back the Case Diary along with a copy of this order to the Duliajan Police Station for information and necessary action.

Accordingly, the bail Petition is disposed of.


S.K. Kabra
Addl. District & Sessions Judge (F.T.C.)
Dibrugarh

C/D Returned to the copy of
704/21
07/12/21

Copy of my summons to
JM / DAB
709/21
07/12/21