

Crl. Misc. (B) Case No. 715/2021

10-12-2021

Case is fixed today for necessary Order.

This bail application u/s 439 CrPC has been filed for the accused persons Sri Pitlu Kharia, Sri Latu Deka and Sri Sutu Majhi in connection with Tengakhat P.S. Case No. 137/2019, u/s 294/326/307/342/34 of IPC.

A perusal of the case record of Tengakhat P.S. Case No. 137/2019 shows that charge-sheet has been submitted against the above named accused persons along with the accused persons Shahan Shah and Nawaz Shah u/s 294/326/307/342/34 of IPC. The accused persons Sri Pitlu Kharia, Sri Latu Deka and Sri Sutu Majhi have been shown as absconders in the charge-sheet. On 03-12-2021 the above-named accused persons appeared before the learned J.M.F.C. (Z. Yasmin), Dibrugarh and they were remanded to judicial custody. Since then they have been in judicial custody.

It is seen from the statements of the victims in the case diary that at first a quarrel had broken between the victim Akhtar Nadim Shah and the accused Shahan Shah and there was a scuffle between them. At that time the accused Nawaz Shah came there with tea garden labourers. Then Shahan Shah and Nawaz Shah assaulted Akhtar Nadim Shah. Shahan Shah and Nawaz Shah incited the tea garden labourers and they badly assaulted


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Akhtar Nadim Shah and Putul Saikia, who was present with Akhtar Nadim Shah, and inflicted grievous injuries on them. The injury reports of the alleged victims show that they sustained grievous/serious injuries on their head and elbow which are stated to be caused by sharp and blunt weapons. Be that as it may, the main allegation as per the materials in the case diary is against the accused persons Shahan Shah and Nawaz Shah. It may be mentioned that the accused Shahan Shah has already been granted bail by the Hon'ble Gauhati High Court. Though it is elicited from the case diary that tea garden labourers badly assaulted both the victims, but the names of those tea garden labourers are not stated by the victims and other witnesses in their statements u/s 161 CrPC. Only in the note/remark of the I/O in the case diary, it is mentioned that from reliable sources it is learnt that the above-named accused persons (tea garden labourers) were involved in the occurrence.

Considering all the above aspects in entirety, including the fact that trial is soon going to start in the case upon committal of the case, I am inclined to grant bail to the above-named accused persons, albeit with certain conditions. Accordingly, the accused persons, namely Sri Pitlu Kharia, Sri Latu Deka and Sri Sutu Majhi, are allowed to go on bail in connection with Tengakhat P.S. Case No. 137/2019 (corresponding to G.R. Case No. 4184/2019) on furnishing bail-bonds for a sum of ₹ 20,000/- (Rupees Twenty

Chief & Sessions Judge
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Thousand) each with a suitable surety of the like amount each to the satisfaction of the learned committing Magistrate, but on the following conditions:-

- 1) that the accused persons shall attend the learned Court below as well as the learned Trial Court regularly on all fixed dates until the disposal of the case;
- 2) that the accused persons shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court; and
- 3) that the accused persons shall not commit any offence similar to the offence of the present case and shall not indulge in any criminal activity.

Send back the called for case record (with case diary) along with a copy of this Order.

Furnish a true copy of this Order to the learned Advocate for the accused persons under the signature of the Bench Assistant.

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


Addl. Sessions Judge,
Addl. District & Sessions Judge,
Dibrugarh

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CR of GR 715/2021
CP of Tengabhat PJ 137/19
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