

CrI. Misc. (B) Case No. 709/2021

ORDER

13-12-2021

This is a bail application under Section 439 CrPC, supported by an affidavit, submitted by learned Counsel praying for granting bail to accused Sonu Ali in connection with Dibrugarh PS Case No. 1699/2021 corresponding to GR Case No. 3418/2021 under Sections 379/413/34 IPC.

The allegation as per the FIR dtd. 02-09-2021 of SI Diganta Handique is that an information was received that a red colour car No. AS-04-F-7240 was coming towards Graham Bazar, Dibrugarh after committing theft of goats. When police tried to stop the car at Graham Bazar Jail road, the driver Raja Singh along with the car tried to flee with the car and police caught the car. Though the driver of the said car managed to flee, other two occupants, namely, Bittu Ahmed and Guddu Karmakar of the case were apprehended by police. During search, seven numbers of goats were recovered from the said car. The said goats and the car were seized in presence of witnesses. During interrogation, it was learnt that accused Guddu Karmakar was forwarded to jail in connection with Dibrugarh PS Case No. 1166/2021 for theft of goat and both the apprehended accused persons were frequently indulging in theft.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

Learned Counsel for the accused submits that the accused has been falsely implicated in this case; that the accused is not named in the FIR and he has been arrested merely on suspicion; that nothing has been recovered from the possession of the accused; that the stolen goats have already been recovered and nothing remains to be investigation; that the minor children of the accused is suffering from Jaundice fever and her condition is not well and except the accused, there is no male members in the family for treatment.

Learned Counsel submits that the co-accused have already been enlarged on bail and moreover, accused Sonu Ali is not named in the FIR.

Case Diary called for has been received. Peruse the Case Diary.

Considering the matter in its entirety, period of detention and the status/stage of investigation, this Court is of the considered view that further detention of the accused is not necessary in the instant case and hence, the instant petition is allowed.

It is directed that the accused person, namely, Sonu Ali be released on bail of Rs. 15,000/- with one surety of like amount to the satisfaction of the learned Elaka Magistrate in connection with Dibrugarh PS Case No. 1699/2021.

It is further directed that the said accused person (i) shall not commit an offence similar to the offence of which he has been suspected of; (ii) fully cooperate in the investigation of the case and appear before the investigating officer as and when required and (iii) he 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/her from disclosing such facts to the Court or to any other police officer or tamper with the evidence.

Return the Case Diary along with a copy of this order.

Misc. CrI. (B) Case accordingly stands disposed of.



Sessions Judge,
Sessions Judge
Dibrugarh

No. DJD/6355, 6356/21
Dtd. 14.12.2021

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