

**Crl. Misc. (B) Case No. 27/2022**

**ORDER**

**07-02-2022**

This is a bail application under Section 439 CrPC, supported by an affidavit, submitted by the learned Counsel praying for granting bail to accused petitioners Iyajul Ali @ Riazuddin Ali and Moharam Ali in connection with Dibrugarh PS Case No. 10/2022 corresponding to GR Case No. 22/2022 under Sections 120-B/326/307 IPC.

Heard the learned counsel for the accused petitioners and the learned Public Prosecutor.

Case Diary called for has been received.

Learned Counsel for the accused petitioners submits that it was the informant's son Samir Ali, who in an intoxicated condition, trespassed into the house of the accused petitioners and damaged the properties on 02-01-2022, in the evening at around 7:00 pm. It was then that the accused petitioners tried to prevent the said Samir Ali from attacking the accused petitioners with a dao; in the scuffle ensued which everyone, i.e., the accused petitioners as well as the said Samir Ali, sustained injuries.

Learned counsel submits that a different colour has sought to be given by the informant by filing the present FIR and in fact, it is the accused petitioners who are victims of the incident. Learned Counsel submits that no case under Section 307 IPC is made out against the accused petitioners, as injuries were minor and moreover, they being in judicial custody since 02-01-2022, the present petition may be allowed.

On perusal of the Case Diary, it is seen that investigation of the case is almost complete. In view of the same, this Court is of the considered view that further detention of the accused persons, is not required.

Considering the matter in its entirety, the present petition stands allowed.

It is directed that the accused petitioners, namely, Iyajul Ali @ Riazuddin Ali and Moharam Ali be released on bail of Rs. 15,000/- each with one

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separate surety of like amount to the satisfaction of the learned Elaka Magistrate in connection with Dibrugarh PS Case No. 10/2022.

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

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

  
Sessions Judge  
Dibrugarh