

Present:

**Shri S.K. Kabra
Addl. Sessions Judge (FTC)
Dibrugarh**

Criminal Misc. (B)Case No. 26/2022

Order

07.02.2022

This is a petition for granting bail to accused Shri Kamlesh Dey, who is in jail custody, in connection with Tingkhong P.S. Case No. 257/2021 registered u/s 120(B)/302 of IPC.

Called for Case Diary is received. I have perused the same. I have also heard the parties.

During hearing, Ld. Counsel for the petitioner/accused submitted that accused is innocent and has been falsely implicated in this case. It is also submitted that accused person is a foreign element to the present case; it is stated that the petitioner/accused is neither the FIR name accused nor has any connection with the alleged murder case. It is submitted that accused shall abide by any condition imposed upon him if bail is granted.

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

I have considered the submissions of both sides. I have gone through the entire record including FIR, Case Diary and statement of daughter of victim recorded u/s 164 of CrPC.

The victim is a married lady and having two daughters. The victim died due to hanging. The father of the victim had lodged the ejahar alleging that the in-laws of the victim were torturing her.

On the other hand, it appears from the material on record that just before the death of the victim, the accused/petitioner was having long talk with the victim over mobile phone. This fact is substantiated by the CDR and also by the statement of the daughter of the victim. It


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also appears from the material on record that accused had developed relations long back with the victim when the accused used to drive the vehicle of the husband of the victim. Thereafter victim and accused used to talk over phone for long hours. Record also reveals that accused changed his mobile number as soon as police contacted him with respect to this case and police had to again struggle to find out new mobile number of the accused. Be that as it may be.

The investigation is still at nascent stage. From the material on record against the accused/petitioner, it cannot be said at this stage that the accused/petitioner is innocent or accused has nothing to do with the case. Considering the gravity of offence, I am of the view that release of accused/petitioner at this stage may hamper the fair investigation. Investigative agency must be given fair chance to unearth the entire truth of the case. **Accordingly, the bail petition is rejected.**

Send back the case diary along with a copy of this order to the Tingkhong Police Station.

A free copy of this order under the signature/certificate of Bench Assistant may be furnished to the accused person through his counsel.


Addl. Sessions Judge (F.T.C.)
Dibrugarh