

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

Criminal Misc. (B) Case No. 119/2022

Order

05.04.2022

Ld. Counsel for the accused persons/petitioners and Ld. Addl. PP are present.

This is a bail petition u/s 439 of CrPC for granting bail to the accused persons Md. Asiq Ali @ Pansu and Md. Nitu Ali, who are in jail custody since 22.02.2022, in connection with Dibrugarh P.S. Case No. 53/2022 registered u/s 380 of IPC.

Called for Case Diary is received and I have perused the same.

I have also heard both the parties.

During hearing, Ld. Counsel for the petitioners/accused persons submitted that accused persons were arrested on 18.12.2022 in connection with Dibrugarh P.S. Case No. 54/2022. However, later vide order dated 22.02.2022, said accused persons were shown arrest in this case. It is submitted that the accused persons are innocent persons and they have been falsely implicated in this case by the police. It is further submitted that the accused persons are named in the FIR and no incriminating materials has been recovered from them. It is also submitted that the co accused namely Md. Yosuf Ali who was also arrested in this case was allowed to go on bail by order dated 03.03.2022 by learned CJM.

I have perused the case record. It appears from the record that the investigation is almost complete and co-accused Md. Yusuf Ali is already released on bail.

Considering the nature of offence and the fact that the investigation is almost complete, I am of the view that further custodial investigation of the accused persons Md. Asiq Ali @ Pansu and Md. Nitu Ali may not be required in the present case. Accordingly, **the prayer for bail is allowed.**

*Copy to CJM
9/5/2022*

05/06/2022
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Accused persons **Md. Asiq Ali @ Pansu and Md. Nitu Ali** are allowed to go on bail on both of them furnishing a bond of Rs. 20,000/- each, 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 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 Dibrugarh Police Station for information and necessary action.

Accordingly, the bail Petition is disposed of.


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