

**Present:**

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

**Criminal Misc. (B) Case No. 125/2022**

**Order**

**12.04.2022**

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, corresponding to G.R. Case No. 4045/2021, 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 FIR and Forwarding Report do not disclose any prima facie case against the accused petitioner. It is also stated that the accused is arrested merely on doubt and there is no material against him. It is also stated that accused is in custody since 24.01.2022 and investigative agency have got sufficient time to investigate the case. It is submitted that accused shall abide by any condition imposed upon him if bail is granted.

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

I have considered the submissions of both sides. I have gone through the entire record.

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

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long talk with the victim over mobile phone. Record further reveals that accused and victim frequently talked over phone for 4/5 hours in a day. Be that as it may be.

It appears from the case diary that investigation is almost complete.

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Considering all, including the fact that investigation is almost complete, I am of the view that further custodial interrogation is not required in the present case. As such, I deem it fit to allow the accused Shri Kamlesh Dey to go on bail. Accordingly, bail petition is allowed. Accused Shri Kamlesh Dey, **is allowed to go on bail** on furnishing a bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the Elaka Magistrate, with further conditions that :-

- a) Accused shall co-operate with the investigating agency;
- b) Accused shall appear before the Court as and when called;
- c) Accused shall not commit any similar offence;
- d) Accused shall not try to influence the prosecution witness;
- e) Accused shall not tamper with the evidence.

Send back the case diary along with a copy of this order.

Accordingly, the bail Petition is disposed of.

  
Additional Sessions Judge (F.C.)  
Dibrugarh