

Misc. CrI . case no. 403/2021

05-08-2021

The learned Counsel for the petitioner is present and the learned P.P. for the state is also present.

This is an application u/s 439 of the Cr.P.C. with a prayer to grant bail to accused-persons namely Jonith Marak who has been detained in connection with Lakhipur P.S. Case No. 392/2021 corresponding to G.R. case no. 1383/2021 u/s 147/ 302 of the I.P.C.

The brief facts of the prosecution case is that on 03.07.2021 at about 11:40 am the informant namely Abdul Baten lodged an FIR stating that on 01-07-2021 at about 10/11 am the informant get one information that the informant brother namely Abdul Awal went to Lemakona Maladhara to buy fruits and vegetables for his business. The informant brother did not return on that day & on the very next day at morning, informant received a phone call from Rongsai Police Station that his brother was murdered and was taken from Goalpara to Lakhipur and hence this case was filed.

I have heard both the sides through video conferencing.

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It is submitted on behalf of the accused person that he is no way connected to the crime. Police simply arrested him on suspicion. Other named accused were allowed to go on bail by the police. Therefore, it is prayed that the accused Jonith Marak be enlarged on bail since he has undergone more than a month in detention.

On the other hand, the learned P.P. objected bail prayer as the serious offence like murder have been committed by the accused person. Accordingly, learned P.P. prayed for rejection of bail application.

A careful perusal of the CD reveals that the investigation is going and in course of investigation, the police had arrested the accused and it was stated by the IO that the accused Jonith Marak has confessed his guilt in commission of the alleged crime. As such, investigation appears to be in initial stage and IO may be given chance to collect evidences, record confessional statement of accused u/s 164 Cr.P.C. through a Magistrate etc. in the interest of investigation. Therefore, the prayer for bail is rejected at this stage of investigation.

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Send back the CD with a copy of this order.

A copy of this order shall be furnished to the petitioner or his learned Counsel forthwith by the Bench Assistant/ Court Master under his signature and this order shall also be uploaded in the official website of the District Judiciary, Goalpara.

Inform all concerned accordingly.

This Misc. case is thus disposed of.

Sessions Judge,
Goalpara.