

Misc. CrI. 337/21

02.07.2021

Seen the petition u/s 439 of the Cr.P.C filed by petitioner Munnaf Ali with a prayer to grant bail to accused Atab Ali who is in judicial custody in connection with Goalpara P.S. Case No.271/2021 corresponding to G.R. Case No.873/2021 u/s 120(B)/341/302/325 of the IPC.

The case diaries of Goalpara P.S. Case No.271/2021 and 276/21 are already available before this court which were called for in connection with Misc. CrI. Case No.322/21 and I have perused both the case diaries. I have also heard the learned counsel for the petitioner and also the learned Public Prosecutor for the State in the virtual court through video conferencing.

The learned counsel for the petitioner submitted that the accused person is innocent and he is not involved in this case. It is further submitted that the accused being local person there is no chance of absconding and he will not hamper the investigation if released on bail.

The contents of the ejahar, in brief, is that on 23.04.2021, at about 4:00pm, while Rofiqul Islam had been proceeding towards Gobindapur Market along with his uncle Ibrahim Ali by riding a motorcycle in order to purchase some ducks, the FIR named accused persons by making a conspiracy restrained them on the road and attacked them with deadly weapons as a result of which Rofiqul Islam died on the spot and his uncle Ibrahim Ali sustained grievous injuries.

On perusal of the case diary, it transpires that the

investigation of the case is going on. The offence is very serious. The statement of an eye witness recorded u/s 164 Cr.P.C. clearly implicates about the involvement of the accused person in commission of the alleged offences. The I.O. has collected sufficient materials against the accused person. In view of the materials in the case diary as well as the nature of the offence, I am not inclined to grant bail to the accused at this stage. Accordingly, the bail petition stands rejected.

Send back the case diaries of both the cases with a copy of this order. A copy of this order shall also be furnished to the petitioner or his learned counsel forthwith by the Bench Asstt./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