

**IN THE COURT OF THE ASSISTANT SESSIONS JUDGE,**  
**NO.1, CACHAR, SILCHAR**

**ORDER**

**Crl. Misc. Case No. 983 of 2022**

*JASMIN AKTAR @ ZESMIN AKHTAR V/S. STATE OF ASSAM*

**07-11-2022** Bail-petitioner is represented.

This Misc. Criminal Case U/S. **438 Cr.P.C.** supported by an affidavit, arose out of **Borkhola P.S. Case No.160/2022** u/s.120B/420/379 of IPC, read with Section-21 of Mines & Minerals (Development and Regulation) Act, 1957, filed by the accused-petitioner namely, **Jasmin Aktar @ Zesmin Akhtar**, praying for grant of pre-arrest bail to her.

Informant one S.I. Bhaskarjyoti Choudhury lodged an FIR before the O/C, Borkhola P.S. stating inter-alia that on receipt of information that one tripper bearing registration No.ML-10-C-3219 loaded with illegal coal was proceeding from Silchar via Borjatrapur towards Kalain and accordingly, the informant at about 09:10 A.M. along with other staffs left for checking towards Borjatrapur and during checking they stopped the vehicle bearing No.ML-10-C-3219 and accordingly they apprehended the driver and helper of the said vehicle as they were found to have been carried coal in the said vehicle without any proper document or challan. The informant seized the vehicle along with loaded coal. Hence, the case.

Learned counsel appearing for the bail petitioner submitted that accused-petitioner is a female person and she is not FIR named. Learned counsel also submitted that

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accused persons, who were arrested in connection with the said P.S. Case, have already been granted bail. Hence, submission has been made to grant pre-arrest bail to the accused-petitioner. Learned Additional Public Prosecutor has fairly submitted to pass order as the Court deems fit and proper.

Case Diary, as called for, has been received.

Perused the same. Case Diary shows that the I.O. has already seized the vehicle vide seizure-list. The vehicle so seized has already been left in zimma of the owner, as per order of learned Elaka Magistrate. C.D. also shows that the present accused-petitioner has filed petition before the learned Elaka Magistrate stating herself to be the actual owner of the seized coal and learned Magistrate has accordingly called for report. It appears that the informant is a police personnel. The accused-petitioner is not an FIR named. It appears that much of progress has been made towards the investigation of the case, but at the same time, C.D. disclose that since 03.09.2022 no steps has been taken towards further investigation of the case.

Considering the materials in C.D., the nature of the offence vis-à-vis the tenure of punishment in the event of conviction and also the progress of investigation, I am of the opinion that pre-arrest bail prayer may be considered in

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favour accused-petitioner. Accordingly, ***the arresting authority is directed to enlarge the accused-petitioner namely, Jasmin Aktar @ Zesmin Akhtar on pre-arrest bail, in the event of her arrest, on execution of a bond of Rs. 20,000/- (Twenty Thousand) with a fit surety of like amount in connection with Borkhola P.S. Case No.160/2022,*** to its satisfaction, on the following conditions:

- (i) That the accused-petitioner shall make herself available before I.O. concerned on or before 17.11.2022 and shall appear before I.O. subsequently, as and when called for and co-operate in investigation.
- (ii) That, she shall not leave the jurisdiction of this Court without permission of I.O.
- (iii) That, she shall not make any inducement, threat or promise to any person acquainted with facts of the case, so as to dissuade him from disclosing such facts to Court or to police.

*cto, cto of  
Borkhola P.S.  
d/no. 160/22*

*Inform all concerned accordingly.*

Violation of any of the conditions would entail cancellation of the bail prayer.

Send back the Case Diary the I.O. in sealed cover.

This instant Crl. Misc. Case stands disposed of accordingly.

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Asstt. Sessions Judge No.-1  
Cachar, Silchar