

Bail Application No. 709/2022

Order-sheet

Present: Sh. S.K. Poddar

Sessions Judge, Morigaon

19.12.2022

Ld. Advocate for the accused petitioner and Ld. Public Prosecutor, Morigaon are present.

This is a petition filed u/s 439 CrPC for granting bail to accused Md. Safiqul Islam, who is in jail custody since 28.11.2022, in connection with Jagiroad PS Case No. 373/2022, registered u/s 328/395 IPC.

Called for case diary is received and perused the same.

During hearing, Ld. Advocate for accused Md. Safiqul Islam has submitted accused Md. Safiqul Islam is in jail custody since 28.11.2022. It is further submitted that allegations against the accused are false. On the other hand, Ld. Public Prosecutor, Morigaon has strongly objected in granting bail. It is also submitted that investigation is still in progress and co-accused are yet to be arrested. I have considered the submissions of both the sides.

FIR dated 22.10.2022 lodged by one Ramesh Jyoti Das of Golaghat discloses that on 21.10.2022 the truck No. AS 01 JC 4678 left Guwahati for Jorhat by loading Panmasala and when it reached Makaria-Silchang, under Jagiroad PS, NH37, about 9 unknown culprits hijacked the vehicle and after tying hands and legs of the driver and handyman by making them unconscious brought the vehicle to Sadhana Dhan Mill and after unloading the goods there, left the vehicle with its driver and handyman at Raha, Chapormukh. After tracking the vehicle through GPS, it is found and recovered the vehicle and handyman kept inside the vehicle with hands and legs tied. Accordingly, matter was informed to police. Subsequently, the driver and handyman were admitted at Sultan Hospital, Morigaon for treatment. The looted articles were recovered from Sadhana Dhan Mill campus, Jagiroad.

From the materials on record it appears that allegation is brought against 9 accused persons for committing dacoity by hijacking one truck loaded with 'Gutkha' on its way from Guwahati to Jorhat and looted away the loaded goods and kept them unloaded under Jagiroad PS Area.

From the record it appears that investigation is still in progress. I.O has collected sufficient incrementing materials against the accused.

Considering above materials, I am of the opinion that it is not a fit case for granting bail to the accused at this stage. As such, prayer for bail stand **rejected**.

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

Also send a copy of this order to Ld. CJM, Morigaon for information.

Bail petition is disposed of.