

Bail Application No. 160/2020

04.04.2020:

The learned advocate for the accused petitioners is present.

Heard on the point of admission of this bail petition.

The Court works paralyzed due to Corona Virus pandemic and Nationwide Lockdown.

Seen the bail petition filed u/s 438 Cr.PC for granting pre-arrest bail to the accused petitioners namely, Manik Deka, Padunya Deka, Sanjiv Deka, Hemanta Deka, Karna Deka, Manoj Deka and Abhijit Deka in connection with Morigaon PS Case No. 771/2019 u/s 143/341/336/324/307 IPC.

The FIR dated 18.08.2019, lodged by Tilak Deka discloses that on the previous day, at about 6 PM, while Dipen Deka, son of the informant was working in his field, the accused as named in the FIR along with 20/25 others, came there with arms in their hand and attempted to physically assault him. On this while Dipen Deka was attempted to run away to save his life he was restrained on the road and physically assaulted by the accused petitioners inflicting Dao blow and attempted to commit murder.

During hearing on the bail petition, learned advocate for the accused petitioner has submitted that earlier bail application filed u/s 438 Cr.PC was rejected by this Court vide CrI. Misc. Case No. 1022/2019. On this, case record of the aforesaid CrI. Misc. Case No. 1022/2019 is taken out from the record room and perused the same.

On going through the said order, it is seen that upon perusal of the Case Diary, the said bail application was rejected on 08.01.2020, with further mention that prior to that another bail application vide CrI. Misc. Case No. 638/2019, was rejected on 04.11.2019, by observing that "From the Injury report, it appears that the victim has sustained grievous injuries caused by sharp weapon. Upon perusal of the Case Diary, it also appears that the Investigating Officer has collected sufficient incriminating materials against the accused persons."

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Considering the above circumstances, I am of the opinion that the prayer of learned counsel for the accused petitioners that, let the case be fixed for Case Diary cannot be considered, as I find no fresh ground for considering the bail application again due to rejection of two earlier bail applications for the same persons. As such, the prayer for bail stands rejected.

Send a copy of this order to the Officer-in-Charge of Morigaon Police Station.

A copy (free of cost) of this order shall also be furnished to the learned advocate for the accused petitioner under the signature of the Head Assistant/Bench Assistant for his record/information.

The bail petition stands disposed of.

Sessions Judge
Morigaon, Assam