

Bail Application No. 162/2020

17.04.2020

Court work is paralyzed due to Corona Virus Pandemic.

Case diary has arrived.

Learned advocate for both the parties are absent.

I propose to dispose of the instant bail application on merit.

The instant bail application was filed u/s 439 of Cr.PC praying for granting of bail to accused Md. Joynal Abdin who has been in judicial custody in connection with Laharighat P.S. Case No. 56/2020 (GR Case No.581/2020) for offence u/s 147/148/149/341/326/307 IPC.

Bail prayer has been made on the ground that accused Joynal Abdin has not committed any offence as alleged.

FIR dated 25.02.2020 lodged by Md. Hussain Ali discloses that on 24.02.2020 at about 7:00 p.m. while Md. Maram Ali , brother of informant, was returning from Borchalla out post and reached near Patuakata beel, at the instigation of accused Habej Ali and Afazul Islam, accused Joynal Abdin along with other co-accused armed with dao, lathi etc physically assaulted Maram Ali and caused grievous injuries on his person and that Maram Ali was taken to Moirabari hospital immediately where from he was referred to Gauhati Medical College Hospital. However considering the seriousness of the injuries sustained by Maram Ali, he was taken to Nagaon and was given medical treatment in a Nursing Home at Nagaon and that the injured has been fighting with his life.

On perusal of the case diary and also considering the bail objection submitted by the I.O. of the case, it appears that injured Maram Ali sustained grievous injuries caused by sharp object. On

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perusal of the case diary and particularly the statement of the injured it appears that he directly implicated accused Joynal Abdin for wrongfully restraining him and causing grievous injuries on his person.

Investigation is still in progress and some of the co-accused are yet to be arrested.

As such considering the above facts and circumstances, I am of the opinion that it is not a fit case to grant bail to the accused Joynal Abdin. As such bail application for the aforesaid accused is rejected.

Return the case diary to concerned I.O. along with a copy of this order.

Let a copy of the order be given to the petitioner/learned engaged counsel of the petitioner free of cost under the signature of Bench Assistant/Head Assistant for their record.

Send a copy of this order to learned Chief Judicial Magistrate, Morigaon.

i/c Sessions Judge
Morigaon