

GAHC010005132023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./143/2023

SAHIDUL ISLAM
S/O PARBAT ALI
R/O VILL- CHESAPANI (CHALBANDA)
P.O. SAPATGRAM
P.S. SAPATGRAM
DIST. DHUBARI, ASSAM
PIN-783337

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

Linked Case : Bail Appln./203/2023

SHAHABUL HUSSAIN@SAHBUL HUSSAIN
S/O SAMPAD ALI
VILL- BARKANDA
P.S. BILASIPARA

DIST. DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP
ASSAM

Advocate for : MR. A AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 23-01-2023

Heard Mr. M.U. Mondal, learned counsel for the petitioner as well as Mr. B.B. Gogoi, learned APP for the State.

The petitioner, namely, Shahabul Hussain @ Sahbul Hussain who was arrested on 15.12.2022 in connection with Bilasipara P.S. case no.372/2022 under section 308 IPC read with section 184 MV Act is seeking regular bail by filing this application under section 439 Cr.P.C.

The learned APP has produced the case diary and has opposed the prayer for bail.

From the case diary it appears that the petitioner was arrested on the ground that he was recklessly driving motorcycle in a dangerous manner in public road where he had hit a pedestrian lady who had suffered grievous injury resulting in her death.

Considering the nature of offence and the fact that the petitioner has been

under arrest for 40 days, the Court is inclined to release the petitioner, namely Shahabul Hussain @ Sahbul Hussain on bail on furnishing a bail bond of Rs.1,00,000/- (Rupees one lakh only) with two sureties of like amount to the satisfaction of the learned SDJM (M), Bilasipara.

Bail is granted on the following conditions:

1. The petitioner shall appear before the Court in the present case on all the dates fixed for trial.
2. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. The petitioner shall not obstruct the smooth progress of the trial/ investigation.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall not jump over the bail.
6. The petitioner shall once again appear before the IO once in 10(ten) days and he shall continue to appear once a month till their personal appearance is dispensed with or charge sheet is submitted, whichever is earlier.
7. As the investigation reveals that the petitioner is a member of a motorcycle riding group which is locally called 'Devil Rider', within 10(ten) days from the date of release, the petitioner shall appear before the jurisdictional District Transport Office and have the speed of the motorcycle restrained at not more than 60 km per hour and obtain a certificate from the concerned official of the District Transport Office and

produce it before the IO.

8. If the petitioner is found involved in any similar offence, it would be open to the IO to move the jurisdictional Court and apply for cancellation of bail.

This application stands disposed of.

Case diary is returned.

JUDGE

Comparing Assistant