

GAHC010068782023



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

: AB/708/2023

DULAL DEBNATH AND ANR.  
S/O MOTILAL DEBNATH R/O VILL. KRISHNA NAGAR UTTAR ATHIYABARI  
P.O. BARPETA ROAD P.S. BARPETA ROAD DIST. BARPETA ASSAM

2: BHANU DEBNATH  
S/O MOTILAL DEBNATH R/O VILL. KRISHNA NAGAR UTTAR ATHIYABARI  
P.O. BARPETA ROAD P.S. BARPETA ROAD DIST. BARPETA ASSAM  
VERSUS

THE STATE OF ASSAM  
REP .BY THE PP  
ASSAM

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

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**02-05-2023**

Heard Mr. A. Choudhury, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioners, namely,

Dulal Debnath & Bhanu Debnath, who are apprehending their arrest in connection with Barpeta Road P.S. Case No.30/2023 registered under Sections 341/325/302/34 of the IPC. By lodging the FIR dated 20.02.2023 the informant one Sakir Khan alleged that on 17.02.2023 at around 1.30 PM he received a call from R.K. Logistic Company and the owner of the said company stating that his vehicle had been detained at Barpeta Road. It was alleged by the owner of the company that his driver had loaded goods to deliver it from Kolkata to Barpeta Road and the driver had misappropriated some of the goods which was complained by the receiver party. Thereafter, the driver fled away. The informant thereafter came to Barpeta Road along with his cousin Irshad, who is also a driver and they were detained at the godown of Mahabir Cargo where the accused persons along with the petitioner assaulted the driver Irshad. The informant alleged that the said driver was unable to stand on his feet and later on, the informant took him to Barpeta Road FRU and the doctor referred to him to FAAMCH, Barpeta, where he was undergoing treatment. But, on 19.02.2023 the cousin of the informant, namely, Irshad expired in the hospital.

The petitioners are the agent of the Mahavir Cargo Service which is in the business of transportation of goods of various customers in different places. In the FIR dated 20.02.2023 lodged by the informant one Sakir Khan, it was alleged that the petitioners along with others had assaulted the driver of the truck which was carrying goods which were booked to transport through the petitioners concern. The deceased was working as a Truck driver in the petitioners' business concern.

This Court earlier on several occasions called for the case diary and the case diary has been produced before this Court today by the learned Addl.P.P., Assam.

In the case diary the post-mortem report is available which does not disclose that the cause of death of the driver is due to unnatural reasons. That apart, there is statement of the medical doctor who conducted the post-mortem examination on the deceased driver, namely, Irshad. The doctor in his statement reveals that the death was due to natural causes and he has not found any injuries on the dead body.

The matter is under investigation. However, no materials are available on the case diary to suggest that grant of the bail may result in any impediment to the investigation carried on by the Police in respect of the case.

Accordingly, on perusal of the case diary and upon hearing the learned counsel, this Court is inclined to grant bail to the petitioner by allowing the Anticipatory Bail application.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, Dulal Debnath & Bhanu Debnath in connection with Barpeta Road P.S. Case No.30/2023 registered under Sections 341/325/302/34 of the IPC, they shall be released on pre-arrest bail upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with 2 (two) local sureties of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioners shall appear before the investigating Officer within 7 (seven) days from today and shall co-operate with the investigation till the same is concluded;
- (ii) That the petitioners shall not hamper or tamper with the investigation in any manner;
- (iii) That the petitioners 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 the Court or to any police office; and

- (iv) That the petitioners shall not leave the jurisdiction of the Barpeta Road P.S. without obtaining prior written permission from the concerned investigating officer of the case.

In the event, the petitioners are found to have violated any of the above conditions or are found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the bail granted to the petitioners.

The Anticipatory Bail petition stands disposed of.

Case diary be returned.

**JUDGE**

**Comparing Assistant**