

GAHC010128412023



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

Case No. : Bail Appln./2064/2023

MD. KAMALE NAVI
S/O- LATE ISHA, R/O- BELSANDI KALYANPUR, P.S. CHAKMEHSI, DIST.-
SAMASTIPUR (BIHAR)

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

22/06/2023

Heard Mr. S Sarmah, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Md. Kamale Navi**, seeking bail in connection with **Sipajhar P.S. Case No. 233/2023** registered under Sections 279/304/308 IPC, wherein he was arrested on 27.05.2023 and since then he is in custody.

Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

Petitioner is the driver of the offending vehicle bearing registration No. WB-23/C-1161 (truck), who met with an accident in the evening of 26.05.2023 at National Highway No. 15 at Bordoulguri under Sipajhar Police Station during which the truck driven by the petitioner was knocked with a two wheeler in which the pillion rider of the said two wheeler succumbed to his injuries.

Mr. M P Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the postmortem report of the deceased reflects that his cause of death was due to injuries sustained in the accident.

Mr. M P Goswami, learned Additional Public Prosecutor, Assam also submitted that the eye witnesses to the incident are stated before police that due to rash and negligent driving of the vehicle by the petitioner, said accident was took place.

Petitioner is from Bihar outside the State of Assam.

Considering the above and the period of detention of the petitioner in custody since 27.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Sipajhar P.S. Case No. 233/2023. As such, this bail application of the petitioner in said Sipajhar P.S. Case is accepted.

Accordingly, the petitioner, namely, **Md. Kamale Navi**, be released on bail in said **Sipajhar P.S. Case No. 233/2023** registered under Sections 279/304/308 IPC on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldai on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Sipajhar P.S. Case No. 233/2023 as and when he is required for necessary investigation of the case and also shall appear before the Court in the case; (ii) not leave the territorial jurisdiction of the Sipajhar Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case and (iv) not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Sipajhar P.S. Case No. 233/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant