

GAHC010189492023



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

Case No. : Bail Appln./2973/2023

BHARGAB @ BHARGAV DEKA
S/O RATUL DEKA R/O HOUSE NO. 22 BHABENDRA NATH DEKA PATH
PSBHANGAGARH GUWAHATI 781032 DIST. KAMRUP M ASSAM

VERSUS

TE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.08.2023

Heard Mr. D. Das, learned counsel for the accused and also heard Ms. S.H. Bora, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 is preferred by accused Bhargab @ Bhargav Deka, who has been languishing in jail hazot

since 20.08.2023, in connection with Dispur P.S. Case No.1659/2023, under Section 279/337/307 IPC, for granting bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Dipankar Dea of Traffic Branch of Dispur P.S. on 20.08.2023. The essence of allegation made in the FIR is that on 20.08.2023 at about 12:40 a.m., he was driving a car bearing Registration No.AS-01AK-9793 in rash and negligent manner ignoring the signal given by the patrolling party and instead he driven the vehicle towards the patrolling party so as to dash them.

4. Mr. Das, learned counsel for the accused submits that the accused is languishing in jail hazot since the 20.08.2023, and that his mother is suffering from cancer and on that day he was attending a social function at six mile and on being called by his mother, he rushed to his mother and therefore, the signal given by the patrolling party could not be noticed by him and that for the purpose of investigation, his further custodial detention may not be required and therefore, Mr. Das contended to allow this petition specially considering the ailments of the mother of the accused.

5. On the other hand, Ms. S.H. Bora, learned Additional Public Prosecutor submits that there are specific allegations against the accused in the FIR, which are serious in nature, however, she has no objection in the event of considering the prayer because of the medical condition of the mother of the accused.

6. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record.

7. From the documents placed on record, it appears that the mother of the accused is a cancer patient. Further, it appears that the accused was arrested on 20.08.2023, and since then he has been languishing in jail hazot. In view of the nature of allegation, further custodial detention of the accused seems to be unwarranted here in this case. And accordingly, this Court is inclined to allow this bail application. It is provided that on furnishing a bail bond of ₹ 50,000/- with one surety of the like amount to the satisfaction

of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail in connection with Dispur P.S. Case No.1659/2023 under Section 279/337/307 IPC.

8. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant