

GAHC010237942023



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

Case No. : Bail Appln./3812/2023

SANJEEV KUMAR
S/O LATE JHAPASI MAHTO
R/O VILL- CHAKIYA
P.S. VAISHALI,
DIST. VAISHALI
PIN-844128, STATE- BIHAR
PRESENTLY RESIDING AT
AMSING JORABAT, GUWAHATI-781027, P.O.AND P.S. SATGAON, ASSAM
PHONE NO. 98643-83578

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. A BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 18.10.2023

Heard Mr. A. Baruah, learned counsel for the petitioner. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Sanjeev Kumar**, in connection with **Jakhalabandha Police Station Case No. 134/2023**, registered under **Sections 120(B)/379/411/420 IPC**.

It has been submitted by the learned counsel for the accused-petitioner that the petitioner is the driver of a vehicle and the allegation against him that while he was carrying goods, met with an accident at Burhapahar near NH-37. Later on, the petitioner informed the incident to his owner. Thereafter, the local people along with police personnel came to the spot. It is also submitted that the petitioner has a valid driving licence while carrying the said goods and a copy of challan but during verification, it was found that the said challan was not a valid one. That being so, the accused-petitioner has been detained in custody since 12.09.2023. Considering the nature of offence as well as length of detention, petitioner may be enlarged on bail.

In response, Ms. Bora, learned Additional Public Prosecutor for the State has opposed in granting bail to the accused/petitioner. It is also submitted that the investigation is still going on so that the prayer of the accused/petitioner may not be considered at this stage.

I have considered the submissions made by the learned counsel or the parties. I have also perused the documents available on record.

Considering the materials found in the record as well as the length of detention of the accused-petitioner in custody, this Court is of the view that further custodial detention of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Jakhalabandha Police Station Case No. 134/2023**,

registered **under Sections 120(B)/379/411/420 IPC**, on furnishing bail bond of **Rs.30,000/-** with two suitable sureties of the like amount out of which one of the sureties should be a Government employee, to the satisfaction of learned S.D.J.M., Kaliabor, Nagaon, Assam.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned S.D.J.M., Kaliabor, Nagaon, Assam, without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 officer.

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

JUDGE

Comparing Assistant