

GAHC010239152023



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

Case No. : Bail Appln./3825/2023

KARUNA BORAH
S/O LATE HEM CHANDRA BORAH
VILL- BEJGAON, P.S. SOOTEA
DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : TUN RAJKHOWA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 08.11.2023

Heard Ms.Tun Rajkhowa, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Karuna Borah, who has been arrested on 27.10.2023 in connection with Sootea P. S. Case No.

98/2023 under Section 304 of the Indian Penal Code (corresponding to GR Case No. 439/2023).

The gist of accusation in this case is that on 26.09.2023 one Rajesh Munda lodged an FIR before the Officer-in-Charge, Itakhola Police Out Post, *inter-alia*, alleging that the petitioner illegally planted electric wire in the wall of the commercial boiler farm and when the uncle of the first informant, namely, Rajesh Munda who was working as an employee in the said boiler farm of which the present petitioner is the owner when there, he got electrocuted and later on succumbed to his injuries.

Learned counsel for the petitioner has submitted that the petitioner has been detained behind the bar since the last 44 days and he has not intentionally caused the death of his uncle of the first informant.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Sootea P. S. Case No. 98/2023 and has submitted that the electrical connection in the said boiler farm was illegally taken without approval of APDCL. Learned Additional Public Prosecutor also submits that there are incriminating materials against the present accused person in the case diary.

I have considered the submissions made by the learned counsel for both sides as well as perused the case diary of Sootea P. S. Case No. 98/2023. There appears to be some incriminating materials against the present accused person, however, it appears that the investigation has fairly progressed and statement of witnesses have been recorded by the Investigating Officer.

It also appears that the petitioner has been detained behind the bar since last 44 days, hence, considering the progress made in the investigation as well as the period of detention already undergone by the petitioner, this Court is of the considered opinion that if the petitioner co-operates in the investigation, his

further custodial detention may not be necessary for fair completion of the investigating of the case.

In view of the above, the accused, namely, Shri Karuna Borah is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Biswanath with a condition that the petitioner shall continue to co-operate in the investigation.

With the above observations, this bail application is accordingly disposed of.

JUDGE

Comparing Assistant