

GAHC010259302022



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

Case No. : Bail Appln./3529/2022

NARAYAN BORA @ JITU BORA
S/O LATE GULAP CH. BORA
R/O BAMUNPARA, LOKHORA
P.O. AND P.S. GARCHUK
DIST. KAMRUP (M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR S BORTHAKUR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
ORDER

20.01.2023

Heard Mr. S. Borthakur, learned counsel for the accused-petitioner and Mr. B. Sarma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 [CrPC], the accused-petitioner viz. Sri Narayan Bora @ Jitu Bora has prayed for his release on bail in connection with Jalukbari Police Station Case no. 717/2022, registered under Section 306, Indian Penal Code [IPC].

3. The accused-petitioner was arrested and produced before the Court of learned Chief Judicial Magistrate, Kamrup [M], Guwahati on 09.12.2022 and on being so produced, he was remanded to custody.

4. One Sri Ranjit Sarania as the informant has lodged the First Information Report [FIR] in connection with Jalukbari Police Station Case no. 717/2022 on 08.12.2022. In the FIR, the informant has arraigned three persons – [i] Momeswar Medhi [A-1]; [ii] Sri Narayan Bora @ Jitu Bora [A-2] i.e. the accused-petitioner; and [iii] Nilesh Kr. Singh [A-3] – as accused. As per the FIR, the informant came to know that the deadbody of his elder brother, Ghanshyam Das was found in a hanging condition from tin roof within the premises of a factory at around 05-30 a.m. on 08.12.2022. The informant has alleged that the homes of the accused persons named in the FIR, have been mentioned by the deceased in a suicide note.

5. I have perused the materials in the case diary, collected during the course of investigation carried out so far, produced by the learned Additional Public Prosecutor. Though the Post-Mortem Examination Report is not available in the case diary, as per the Inquest Report, performed on 08.12.2022, the body of the deceased was found hanging from a tin roof. No physical injury was seen on the person of the deceased.

6. The materials in the case diary go to indicate that the deceased was a security guard under a private security agency, *M/s Sharp Vision Security Agency*, which is a registered private security agency with the Government of Assam. The petitioner-petitioner herein is the licensee and co-owner of *M/s Sharp Vision Security Agency*. The suicide note, claimed to be written by the deceased, is part of the case diary. On perusal of the contents of the suicide note, it does not *prima facie* appear that there was any kind of instigation or provocation from the end of the accused-petitioner to the deceased preceding the act of his committing suicide, in close proximity of time.

7. Having considered the materials in the case diary *qua* the accused-petitioner in connection with the suicide note of the deceased and the period of detention of the accused-

petitioner in custody since 09.12.2022,

this Court is of the considered view that further custodial detention of the accused-petitioner is not necessary for the purpose of carrying out further investigation of the case and his release on bail, at this stage of investigation, is unlikely to cause any adverse effect in the further investigation of the case, provided he continues to extend his assistance and co-operation in the further investigation of the case.

8. Accordingly, it is directed that the accused-petitioner shall be released on bail on furnishing a bail bond of Rs. 50,000/- with one local surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup [M], Guwahati subject to the conditions that :-

[i] the accused-petitioner shall co-operate with the investigation and make himself available for interrogation whenever required by the Investigating Officer [I.O.] of the case;

[ii] the accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

[iii] the accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

[iv] the accused-petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and

[v] the accused-petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

9. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant