

GAHC010263352022



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

**Case No. : Bail Appln./3596/2022**

ANKURJYOTI GOSWAMI  
S/O SRI PRADIP GOSWAMIVILL- BARANGABARI  
P.S. GOHPUR, P.O. BRAHMAJAN  
DIST. BISWANATH, ASSAM- 784172

VERSUS

THE STATE OF ASSAM  
REP.BY ITS PP, ASSAM

**Advocate for the Petitioner : MR. L GOGOI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 02-01-2023**

Heard Mr. L. Gogoi, learned counsel for the accused-petitioner and Mr. M.P. Goswami, 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 Ankurjyoti Goswami has prayed for his release on bail in connection with Gohpur Police Station Case no. 207/2022, registered under Sections 279/338/304, Indian Penal Code [IPC].

3. In the First Information Report [FIR] lodged on 07.12.2022, the informant has stated

that at around 03-00 p.m. on 05.12.2022, her daughter was standing at the tri-junction near SIRD for the purpose of going to Gohpur. At that time, the accused-petitioner by riding a motorcycle, bearing registration no. AS-07/R-4892 [Hero Passion], along with a pillion rider, in a rash and negligent manner knocked down the daughter of the informant. With the assistance of the local people, the informant's daughter was taken to the nearest health facility at Gohpur and thereafter, to the Medical College at Tezpur. For better treatment, the injured was subsequently admitted in the Gauhati Medical College & Hospital [GMCH]. But the injured breathed her last during treatment at the GMCH. The allegation is made to the effect that after knocking down the informant's daughter, the motorcycle dragged her for a distance of about 25/30 meters.

4. The accused-petitioner was arrested and thereafter, produced before the Court of learned Sub-Divisional Judicial Magistrate [M], Gohpur on 11.12.2022 and on being so produced, he was remanded to custody. Since 11.12.2022, the accused-petitioner is in custody.

5. Mr. Goswami, learned Additional Public Prosecutor who has received the case diary, has submitted that the materials in the case diary go to indicate that fact of knocking down the deceased by the motorcycle driven by the accused-petitioner are corroborated by the eye-witnesses.

6. Having perused the materials available in the case diary, collected during the course of investigation carried out so far, *prima facie* it goes to indicate that the incident of death was due to the accident caused by the motorcycle which was rode by the accused-petitioner. The eye-witness accounts *prima facie* go to indicate that the motorcycle was driven in a rash and negligent manner. It, thus, *prima facie* appears that the offence allegedly committed by the accused-petitioner would fall under Section 304A, IPC.

7. Having considered the materials in the case diary and the period of detention of the accused-petitioner since 11.10.2022, this Court is of the view that the further custodial detention of the accused-petitioner appears not necessary for the purpose of carrying out

further investigation into the case and if he is released on bail, at this stage of investigation, such release is not likely to bring 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. 25,000/- with one suitable surety of the like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate [M], Gohpur, subject to the conditions that :-

[i] the accused-petitioner shall cooperate with the investigation and shall thereafter, make himself available as and when his presence is required by the I.O. in the investigation 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 application stands disposed of in the aforesaid terms.

**JUDGE**

**Comparing Assistant**