

GAHC010019852024



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

Case No. : Bail Appln./307/2024

MAHESWAR DAS
S/O- LATE RAMESH DAS, VILLAGE- GHORAMARA, P.S. BARAMA, DIST.-
BAKSA, (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR K BHUYAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

28.02.2024

Heard Mr. K. Bhuyan, learned counsel appearing for the accused petitioner as well as Mr. M. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Maheswar Das**, has prayed for grant of bail in connection with **Azara P.S. Case No.277/2023** under Sections **279/427/304 IPC, R/W Section 3 of PDPP Act.**

The case diary as called for is placed before the Court.

It is submitted by the learned counsel for the petitioner that the petitioner has been detained in judicial custody for last 59 days and he has no intention to cause injury to the cousin of the informant for which he died on the spot. As per FIR, the petitioner was driving the vehicle in rush and negligent manner which caused the accident is totally false allegation. Learned counsel for the petitioner submitted that considering the period of detention, bail may be granted to the petitioner.

Mr. M. P. Goswami, learned Additional Public Prosecutor has produced the case diary and submitted that after examination by the doctor, small amount of alcohol was found in the body of the petitioner.

After hearing the learned counsel for both the parties it is seen that the petitioner has been detained in judicial custody for last 59 days and substantial part of investigation has already been completed and further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.30,000/-** with **one suitable surety each** of the like amount, to the satisfaction of learned Chief Judicial Magistrate, Kamrup(M).

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

- (a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), 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.

Return the case diary.

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

JUDGE

Comparing Assistant