

GAHC010047682024



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

Case No. : Bail Appln./655/2024

SUBOD KR. SUMAN @ SUBODH KUMAR SUMAN AND 4 ORS.
S/O SRI JYOTISH PRASAD SINGH
R/O KHEREHIA, P.S. AKBAR NAGAR,
DIST. BHAGALPUR, BIHAR

2: AMOL ROHAMARE @ AMOL ARJUN ROHAMARE
S/O ARJUN ROHAMARE
R/O VILL- POHAGAON
P.S. KOPARGAON
DIST. AHMED NAGAR
MAHARASTRA.

3: IBRAHIM ALI
S/O LATE HAMID ALI
R/O VILL- BASHMOHANSAAHAI
P.S. KHANDOLI
DIST. AGRA
UTTAR PRADESH.

4: DHARMENDRA
S/O LATE BHAGAWAN SINGH
R/O VILL- MATHIAPUR
P.S. SHAHPUR

DIST. PATNA
BIHAR

5: JONAK DEKA @ JONAK DEKA
S/O ARUP KR. DEKA
R/O VILL- KATPOHA
P.S. NALBARI

DIST. NALBARI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

05.03.2024

Heard Mr. B.M. Mahajan, learned counsel for the petitioners. Also heard Mr. D. Das, learned Addl. P.P, Assam.

This is an application under Section 439 of Cr.PC, 1973 for granting bail to the accused/petitioners, namely Sh. Subodh Kr. Suman @ Subodh Kumar Suman, Sh. Amol Rohamare @ Amol Arjun Rohamare, Sh. Ibrahim Ali, Sh. Dharmendra and Sh. Junak Deka @ Jonak Deka, who have been arrested on 29.02.2024 in connection with Baihata Chariali Police Station Case No. 63/2024 registered under Sections 304/34 of IPC.

The brief case of the prosecution is that an FIR was lodged on 28.02.2024 alleging that one Company by the name and style of M/s Nirmal Buildinfra Private Limited is undertaking construction work of the flyover that is coming up at Piyalikhata (Baihata). It is further alleged that on 28.02.2024 at around 9:30 AM, one beam of the flyover fell over one Sh. Fulsan Ali, who was crushed

under the beam and died at the spot. Accordingly, a case was registered against the Company and its employees for negligence and flouting the safety norms.

Mr. Mr. B.M. Mahajan, learned counsel for the petitioners submits that no non-bailable offence under Section 304 of IPC is made out in the instant case. He further submits that the petitioners are not involved in the allegations leveled in the FIR and forwarding report.

Mr. D. Das, learned Addl. P.P strongly opposes the prayer of the bail. He submits on the basis of the materials received that on 28.02.2024, while the construction work was going on, due to an accident that occurred, Sh. Fulsan Ali died while he was crossing under the construction.

I have heard the submissions made at the bar and have perused the materials available on record including the Case Diary.

It appears that the petitioners are the senior employees of the Company, who had undertaken the construction work. It further appears that the petitioners were not present at the site at the time of the accident. It further appears from the materials collected by the Investigating Officer that it was due to an accident for which the unfortunate incident occurred. It further appears that the investigation has progressed substantially and the statements of all witnesses including the petitioners have been recorded.

Considering the totality of the matter, this Court is inclined to grant regular bail to the petitioners.

Accordingly, the petitioners, namely Sh. Subodh Kr. Suman @ Subodh Kumar

Suman, Sh. Amol Rohamare @ Amol Arjun Rohamare, Sh. Ibrahim Ali, Sh. Dharmendra and Sh. Junak Deka @ Jonak Deka are allowed to go on bail in connection with the above noted case on furnishing bail bond of Rs. 30,000/- each, with one surety of like amount to the satisfaction of the learned SDJM, Rangia, Kamrup subject to the following conditions:-

- (i) That the petitioners shall appear before the Investigating Officer.
- (ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts to the Court or to any Police Officer.
- (iii) That the petitioners shall not leave the jurisdiction of jurisdictional Court without prior written permission.
- (iv) Learned Trial Court may impose any additional condition of bail if it fit to do so, at any time, while the petitioners are enlarged on bail.

With the above observation, the bail application is hereby disposed of.

JUDGE

Comparing Assistant