

GAHC010069742024



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

Case No. : AB/887/2024

JAMIUL AKTAR AHMED
S/O JALAL UDDIN AHMED, R/O VILL- KOLLAR KHAL, P.S.-CHAPAR, DIST-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 22-07-2024

Heard Mr. R. Bora, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, namely Jamiul Aktar Ahmed who is apprehending arrest in connection with

Kokrajhar P.S. Case No.60/2024 under Sections 338/304/34 IPC.

3. It is submitted by the learned counsel for the petitioner that he is the owner of the M/S Sakal Brick Industry and an unfortunate incident had happened while construction of the wall was going on and some persons got injured and two persons died due to the injury sustained by them. However, the petitioner being the owner of the said industry took all the responsibility of the treatment of those injured as well as deceased. But subsequently, two of the injured succumbed to their injuries. He being the owner of the said industry he is no way connected with the offence or there was no negligence on his part. However, he is ready and willing to cooperate with the I/O for further investigation of the case if he is granted the privilege of interim pre-arrest bail.

4. The learned Additional Public Prosecutor has submitted that the victims have died as the wall had collapsed.

5. I have also scrutinized the Case Diary.

6. The petitioner is the owner of M/S Sakal Brick Industry and he has appeared before the Investigating Officer and has cooperated with the investigation. He has not violated any bail conditions. Investigation has progressed to a considerable extent.

7. The interim order passed by the Coordinate Bench of this Court in this case on 04.04.2024 is hereby made absolute.

8. Send back the Case Diary.

9. In terms of the above observations, this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant