

GAHC010107062024



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

Case No. : Bail Appln./1560/2024

KUMUD BORO
S/O KANDARPA BORO,
RESIDENT OF PUB BORAGAON, GOSSAIGAON, WARD NO. 12, PS
GARCHUK, DIST KAMRUP M ASSAM 781035

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR P SONOWAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19.07.2024

Heard Mr. S. Deori, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has

been languishing in jail hazot in connection with Garchuk P.S. Case No. 148/2024, under Sections 304/279/338/427 IPC read with Section 185 of the MV Act.

3. Case diary is received. Perused the same.

4. Mr. Deori has submitted that though the case is registered under section 304 IPC along with other section, but this is purely a accidental case and that he tried to avoid the accident, but he could not control the car and the accident has happened, out of which one person died, but there was no any intention of killing and it was a purely accident case. However, he is behind the bar since last 59 days and considering the detention, he may be enlarged on bail.

5. Mr. Das, learned Additional Public Prosecutor has submitted that eye witnesses have implicated the petitioner of being in intoxicated condition. However, Mr. Das has submitted that the length of detention of the petitioner may be considered.

6. After hearing the submissions made by the learned counsels of both sides and also considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners keeping him in custody and accordingly, I find that further custodial interrogation of the accused/petitioner is not necessary here in this case.

7. Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metropolitan), Guwahati, the accused/petitioner, namely, Kumud Boro, be enlarged on bail,

subject to the following conditions:

- I. that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- II. that the petitioner 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; and
- III. that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (Metropolitan), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant