

GAHC010125032024



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

Case No. : AB/1621/2024

UTTAM ROY @ GUNO ROY
S/O JOGES CHANDRA ROY @ DHONO ROY
VILL- JHASKAL PT.I
P.O. AND P.S. AGOMANI
DIST. DHUBRI, ASSAM
PIN-783335

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD H R AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17-07-2024

Heard Mr. H.R. Ahmed, learned counsel for the petitioner Uttam Roy @ Guno Roy, who has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as he is

apprehending arrest in connection with Agomani Police Station Case No. 20/2024 under Sections 279/338/304 of the Indian Penal Code, 1860 (IPC for short).

2. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that he along with his two friends who are riding on the pillion of his motorcycle collided with the bicycle killing the rider of the bicycle Jagadish Ch. Ray and the pillion rider of the bicycle Prafulla Ray also sustained grievous injuries.

4. It is submitted on behalf of the petitioner that this is an accident case but the petitioner is booked under Section 304 of the IPC. This is not a case where Section 304 of the IPC is attracted.

5. I have considered the submissions at the bar with circumspection.

6. I have considered the submission that the petitioner is willing to cooperate with the remaining part of the investigation. I have also considered the submission that the FIR clearly reveals that this is an accident case. I have also scrutinized the Case Diary.

7. Considering all aspects and in view of my foregoing discussion, petition is allowed.

8. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

i) The petitioner shall refrain from such activities with which he is alleged.

- ii) The petitioner shall not leave the jurisdiction of the Court without prior permission.
- 9. On breach of any of the bail conditions, bail order shall stand cancelled.
- 10. In the above terms this Anticipatory Bail application stands disposed of.
- 11. Send back the Case Diary.

JUDGE

Comparing Assistant