

GAHC010181212024



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

Case No. : Bail Appln./2647/2024

SAJIDUL HOQUE LASKAR
S/O LATE KHOIR UDDIN
VILL- DAKHIN (SOUTH) KEUTI
P.S. PATHARKANDI
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY, A S PRODHANI, S. TALUKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

16.09.2024s

Heard Mr H R Choudhury, learned counsel for the petitioner, Sajidul Hoque Laskar, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is behind bars since 25.07.2024, in connection with Nilambazar PS Case No. 161/2024, under Sections 281/125/105/106(2)324(4)(5) of BNS, 2023, read with

Sections 181/183/184 of the MV Act, 1988.

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam

3. The allegation against the petitioner is that the petitioner without a driving licence drove a vehicle and in his attempt to overtake another vehicle, hit the auto rickshaw, which was carrying passengers and 4 passengers in the auto rickshaw died as a result of the accident.

7. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.

8. I have scrutinized the Case Diary.

9. Indeed there are incriminating materials in the Case Diary against the petitioner.

10. However, investigation has progressed to a considerable extent.

11. The petitioner is willing to cooperate with the remaining part of investigation and to abide by any stringent conditions, if imposed upon him.

8. Considering all aspects, petition is allowed. Petitioner is enlarged on bail of Rs. 30,000/- (Rupees Thirty Thousand Only) with a suitable surety of the like amount to the satisfaction of learned CJM, Karimganj, under the conditions that-

i) the petitioner shall refrain from such activities with which he is alleged, and

ii) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

8.1 On breach of any of the bail conditions, this bail order shall automatically stand cancelled.

9. Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant