

GAHC010196662024



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

Case No. : Bail Appln./2854/2024

ADITYA SARMA BORUAH @ ADITYA SHARMA BARUAH
S/O- DILIP SARMA BORUAH,
R/O- VILLAGE TELIAGAON,
P.S- NORTH LAKHIMPUR (SADAR), P.O- JAPISAJIA, DIST- LAKHIMPUR,
ASSAM

2: KHAGIRAM BARI @ KHAGIRAM BORAI
S/O- LATE SDUREN CHANDRA BARI
R/O- VILLAGE- DEUBEL
P.S- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : AMARENDRA GOGOI, MR D K BARUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

04.10.2024

Heard Mr. D. K. Baruah, learned counsel appearing for the accused petitioners as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioners, namely, **Aditya Sarma Boruah @ Aditya Sharma Baruah and Khagiram Bari @ Khagiram Borai**, have prayed for grant of bail in connection with **Dispur P.S. Case No.987/2024** under Sections **109/117(2)/126(2) / 3(5) /351(3) BNS r/w 25(1)(a)/27 of Arms Act.**

It is submitted by the learned counsel for the petitioner that as per FIR while the informant along with three others were travelling in a vehicle from Jalukbari towards Kahilipara, one black colour Thar car and another swift Dzire vehicle followed them. The driver of the vehicle thought that due to nonpayment of EMI, the two vehicles tried to stop their vehicle as a result of which the driver speeded up the vehicle and subsequently, injured them and when the people came, they fled away.

Subsequently, a cross FIR was lodged by the brother of the petitioner No.1 alleging that while his brother was driving his vehicle towards Jalukbari area, one Swift vehicle bearing No.AS-01-EQ-9254 hit the vehicle of his brother i.e. thar Mahindra bearing AS-07U-3891 and a case was registered vide Dispur PS Case No. 993/2024.

According to learned counsel for the petitioner, both the petitioners are no way connected with the alleged offence as per FIR lodged by the informant in connection with this case. It is further submitted that the petitioners are originally hailing from Lakhimpur and petitioner No.1 is running a business for which he came to Guwahati to purchase some articles and they were arrested in connection with this case. It is further submitted that accused petitioners have been

languishing in judicial custody for last 21 days since their arrest on 13.09.2024 without committing any such offence. In view of above and considering the facts in its entirety, they may be enlarged on bail.

Mr. Sarma, learned Additional Public Prosecutor has produced the case diary and submitted that the informant did not specifically mention the names of the persons who are involved in this case. No TIP was conducted till date to identify the miscreants.

I have heard the learned counsel for both the parties and also perused the case diary. The FIR does not disclose the names of any person involved in this case. One car (Mahindra Thar) was seized in connection with this case and petitioner No.1 is the owner of the said car. Investigation is still in progress. However, till date, no Test Identification Parade was conducted to identify the real miscreants involved in the case.

In view of the above, the petitioners, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/- each** with **two suitable sureties each** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Kamrup(M)**.

The direction for bail is further subject to the conditions that the petitioners:

- (a) shall not leave the territorial jurisdiction of learned **Chief Judicial Magistrate, Kamrup(M)** without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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.
- (d) shall appear before the Investigating Police Officer once in a week for six weeks

after his release on bail as and when called upon by the Investigating Police office till the investigation of the case is completed.

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

Return the case diary.

JUDGE

Comparing Assistant