

GAHC010234092024



2024:GAU-AS:11777

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

Case No. : Bail Appln./3414/2024

AYUB ALI
S/O LATE KHAYBOR ALI, R/O VILL- JARDULPARA, P.S.-BILASIPARA, DIST-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B GOGOI, MR M BHUYAN, H S BARUAH, MR A CHALIHA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27-11-2024

Heard Mr. B. Gogoi, learned counsel for the petitioner Ayub Ali, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 27.10.2024 in connection with Abhayapuri Police Station Case No. 253/2024 under Sections 281/205 of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The FIR unfolds that the Investigating Team found one dead body with grievous injuries on his person lying on National Highway at Khagarpur market at 1.30 pm on 27.10.2024. The eye witnesses present at the place of occurrence informed the Investigating Team that a vehicle bearing registration No. AS-01AK 1845 driven in a rash and negligent manner, with excessive speed proceeding from Salmara towards Dhubri mowed down the person and then the driver of the vehicle fled.

4. The driver who was apprehended later admitted that he was responsible for the incident.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. Investigation has substantially progressed.

6. It is submitted at the bar that this is an incident of accident. It appears that further custodial detention may not be required for the progress of investigation.

7. Considering all aspects, petition is allowed. The petitioner is 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 learned Sub-Divisional Judicial Magistrate (M), North Salmara, Abhyapuri under the conditions that :

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

(ii) *the petitioner shall appear before the Investigating Officer on every fortnight and cooperate with the investigation and,*

(iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

8. On breach of any of the bail conditions, the trial Court is at liberty to cancel the bail granted to the petitioner.

9. In terms of the above observation, this Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant