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

Case No. : Bail Appln./3858/2024

SRI SAMIRAN DAS
S/O LATE PULAKESH DAS
RESIDENT OF BAPUJINAGAR (BHALUKDUBI) PS AND DIST GOALPARA,
ASSAM 783101

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : A G CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.12.2024

1. Heard Ms. A. G. Choudhury, learned counsel for the petitioner Samiran Das.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 19.10.2024 in connection with Hatigaon P.S. Case No. 232/2024 under Sections

132/109/324(3)/324(6)/115(2)/3(5)/62 of the BNS.

3. Heard Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that on 08.10.2024, at about 7 p.m., a police team proceeded to Ghoramara in search of a stolen bike purchaser of Meghalaya. Upon reaching Bhetapara, the team was informed that the suspects were inside a white Honda City Car and waiting for the stolen bike supposed to be handed over to team. The team arrived near the vehicle bearing registration no. AS-01-FA-0507 parked in front of Khanka Mosque on Khanka Ghoramara Road and the occupants inside the car were asked to come out from the car for verification but the driver of the car suddenly started the car and dashed into the ERSS-3, police vehicle bearing registration no. AS-15R-7135, in an attempt to escape. Despite police efforts to stop the vehicle, the driver of the vehicle hit the police vehicle over and over again with great impact causing significant damage to the vehicle and the driver of the police vehicle Nubar Ali sustained injuries on his chest as he dashed against the steering wheel. The other police personnel inside the police vehicle also sustained injuries and the vehicle was damaged. Thereafter, the driver of the Honda City vehicle reversed the vehicle and collided with another car bearing registration no. AS-01-EY-0515. However, the police team managed to stop the escaping vehicle.

5. The local residents also gathered at the place to assist the police and apprehend the miscreants who attacked the local residents also. Meanwhile, one of the miscreants managed to escape under the cover of the crowd.

6. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.

7. Learned counsel for the petitioner has submitted that the petitioner was inside the vehicle but the petitioner is not complicit. He has not committed any offence as alleged and he did not act in an aggressive manner.

8. It is submitted that the petitioner is behind bars for 59 days and further custodial detention may not be required.

9. I have considered the submission that the petitioner is willing to cooperate with the remaining part of investigation. I have considered the submission that the co-accused have already been enlarged on bail.

10. Considering all aspects, Petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with a suitable surety of like amount to the satisfaction of the Elaka Magistrate/Jurisdictional Court 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 till completion of investigation, and

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

11. On breach of any of the bail conditions, the Elaka Magistrate/Jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioner.

12. In terms of the above observation, bail application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant