GAHC010165902020

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

Case No. : AB/3300/2020

AJOY D SHIRA
S/O SIMAN D SHIRA, R/O SARMUNG GAON, KATHALGURI, P.S.-SAMUGURI, DIST-NAGAON, PIN-7821235

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J SARMAH
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

:: O R D E R ::

09.12.2020

This is an application made under **Section 438 Cr.P.C.**, seeking pre-arrest bail by the petitioner, namely, **Ajoy D Shira** in connection with **Samaguri PS Case No. 416/2020**, registered **under Section 304 of IPC read with Section 138 of the Electricity Act.**

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, who has produced the case diary and perused the same.

As per allegation the son of the informant died due to electroluction connected to the boundary of the pond of the petitioner. Case diary reveals that the said pond is far away from the house of the petitioner and there was also one care taker of the pond. The victim died out of electric shock. From the entirety of the matter it does not reflect that the accused

intended to cause death of the victim by such connectivity to the boundary of the pond.

In view of all materials in record, it transpires that custodial detention of the accused petitioner is not warranted. Accordingly, the interim bail granted to the petitioner is hereby made absolute.

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

Return the case diary.

JUDGE

Comparing Assistant