

(2021) 06 GAU CK 0007

In the Gauhati High Court

Case No : Bail Application No. 1134, 1168 Of 2021

Kosterwel Jyrwa

APPELLANT

Vs

State Of Assam

RESPONDENT

Date of Decision : 04-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 302, 392

Citation : (2021) 06 GAU CK 0007

Hon'ble Judges : Ajit Borthakur, J

Bench : Single Bench

Advocate : A Saikia

Final Decision : Disposed Off

Judgement

Heard Mr. A. Saikia and Ms. N. Saikia, learned counsel for the accused petitioner. Also heard Mr. R.J. Baruah, learned Addl. P.P. for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, Kosterwel Jyrwa has prayed for grant of bail in connection with Jalukbari

P.S. Case No. 1623/2020, under Sections 120B/302/392 of the IPC.

As the accused petitioner has filed another bail application being Bail Appln. No. 1168/2021 praying for his bail in the same case, both the bail

applications being Bail Appln. No. 1134/2021 and Bail Appln. No. 1168/2021 are clubbed together for a just disposal.

The case diary, as called for, is placed before the learned Addl. P.P.

The accused petitioner has been behind the bar for 82 days.

Mr. R.J. Baruah, learned Addl. P.P., submits that perusal of the case diary shows

prima facie incriminating material against the accused petitioner.

The vehicle has not been recovered.

The brief fact of the case is that on 24.12.2020, one Bolero Pick Up van of the son-in-law of the informant bearing Registration No. AS-25 DC-7431

was hired by some unknown persons for carrying goods from Sonapur to Bangaon. But, eventually, the informant's son-in-law was killed by

unknown culprits and his dead body was found at Raha, near NH 37 with grievous injuries on his body and the vehicle was also missing.

Although as submitted by Mr. R.J. Baruah, learned Addl. P.P., there are prima facie incriminating material against the accused petitioner keeping in

consideration of the length of detention and substantial progress in investigation, this Court finds that further continuation of his detention during the

current Covid-19 pandemic may not be required in the interest of investigation.

Therefore, it is provided that the accused-petitioner, named above, shall be released on bail of Rs. 50,000/- (Rupees Fifty Thousand) with 2 (two)

sureties of the like amount to the satisfaction of the learned C.J.M., Kamrup(M), Guwahati subject, of course, to the following conditions:

i) That the accused-petitioner shall co-operate with the investigating officer as and when required;

ii) That the accused-petitioner 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;

iii) That the accused/petitioner and his bailors shall produce their Voter Identity Card/ Passport/ Permanent Residential Certificate, whatever is

available at the time of submission of the bail bond for satisfaction of the learned Court below regarding their identity and address and then return the

same retaining photocopy thereof on record; and

iv) That the accused-petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

Return the case diary.

This disposes of the bail application.