

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 24 of 2023

Date of Decision: 10.08.2023

Shri. Aynal Hoque

Vs.

State of Meghalaya

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)

:

Mr. N.J. Dutta, Adv.

Mr. N. Ahmed, Adv.

Mr. M.M. Zaman, Adv.

For the Respondent(s)

:

Mr. H. Abraham, GA.

Ms. A. Thungwa, GA.

i) Whether approved for reporting in
Law journals etc.: Yes/No

ii) Whether approved for publication
in press: Yes/No

JUDGMENT (ORAL)

1. Heard Mr. N.J. Dutta, learned counsel for the petitioner who has submitted that this is an application filed under Section 439 Cr.P.C for grant of bail on behalf of the three accused persons namely, Md. Fulchand Ali, Md. Mahidul Islam and Faridul Islam respectively, who were arrested in connection with Shella P.S. Case No. 22 (06) 2023 under Section 379 IPC which was registered on the basis of an FIR dated 14.06.2023, wherein the

informant therein has reported that her vehicle (Tata Motor Truck) bearing registration No. ML-10-C-4160 was found missing at around 5:00 AM from the place it was parked near the Forest Office at Majai.

2. In course of investigation, the above-named accused persons were arrested on 05.07.2023 in connection with the said case and are now in judicial custody.

3. The learned counsel has also submitted that there is another FIR filed on 24.05.2023 by one Shri. Ananto Boro, who had also reported that his vehicle (Tripper Truck) bearing registration No. ML-05-K-4870 was found missing on 20.05.2023 at around 10:00 AM from the place it was parked. Accordingly, in this connection, Shella P.S. No. 20 (05) 2023 under Section 379 IPC was registered and investigation was launched.

4. In course of investigation, the Investigating Officer has filed a forwarding report (FR) before the Court of the learned Judicial Magistrate First Class, Sohra, indicating that the above-named accused persons who were arrested in connection with Shella P.S. Case No. 22 (06) 2023 were also suspected to be the one who had stolen the said vehicle being No. ML-05-K-4870. Hence, in view of the order dated 04.07.2023 passed by the learned Judicial Magistrate First Class, Sohra, the above-named accused persons were shown arrest in this case too.

5. The learned counsel has further submitted that the accused persons are not at all involved in this case and are innocent, and since they are in custody for more than a month and investigation has progressed substantially, therefore, they may be allowed to be enlarged on bail with any conditions that this Court may be deemed fit and proper to impose.

6. Mr. H. Abraham, learned GA appearing on behalf of the State respondent has submitted that the accused persons named above are part of a gang of car lifters and their involvement has been clearly established as far as investigation in Shella P.S. Case No. 22 (06) 2023 is concerned. Since the area of operation is within the jurisdiction of Shella Police Station, therefore, in connection with Shella P.S. No. 20 (05) 2023, they are suspected to be intimately involved in the said offence as alleged, and since investigation is ongoing in this matter, it is therefore prayed that at this point of time, they may not be enlarged on bail.

7. This Court on consideration of the submission made and on perusal of the application as well as the case diary and the contents thereof, would find that prima facie, the accused persons can be linked to the offence of theft as alleged, particularly of the said vehicle. Of course, it would be a matter of evidence as to whether they are involved in such offence or racket as has been alleged, but given the facts and circumstances

as has been stated by the learned GA and as what has appeared from the case diary, which reveal the progress of investigation, this Court, at this juncture would find it difficult to enlarge the accused persons on bail.

8. Accordingly, this application is found to be devoid of merit, the same is accordingly dismissed and stands disposed of. No costs.

9. Registry is directed to send back the C.D.

Meghalaya
10.08.2023
"D. Nary, PS"



Judge