

GAHC010040812023



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

Case No. : AB/635/2023

ABNUR ALI
S/O SIDDIK ALI
R/O VILL- PUB KALAKUCHI
P.O. PUB KLA KUCHI
DIST. NALBARI, ASSAM
PIN-781348

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. J KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.03.2023

Heard Mr. N.J. Gogoi, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

This application under Section 438 Cr.P.C. has been filed seeking pre-arrest

bail by the petitioner, who is apprehending arrest in connection with Dispur P.S. Case No. 512/2020 (Corresponding to G.R. Case No. 2705/2020) registered under Sections 379/420/406/468/471 IPC.

Case diary as called for is received and perused.

The learned counsel for the petitioner has filed an additional affidavit which I have perused. By the said affidavit it is stated by the learned counsel for the petitioner that the present petitioner has left the job under M/s. Jyoti Thakuria, who is the main accused in this case since 2015 and on 11.12.2015 the he has been appointed as Chowkider at Handloom & Training Centre, under Handloom & Textile Department, Chamata, Nalbari.

By the said additional affidavit, learned counsel for the petitioner has annexed the appointment order of the petitioner dated 11.12.2015, issued by the Directorate of Handloom & Textile and identity card of the petitioner alongwith the affidavit, which I have perused.

It is submitted by the leaned counsel for the petitioner that as per the copy of the statement of payment, the entry seems to me made since 2017. The petitioner was not engaged to generate electricity bill etc nor he was working in the strength of as an accountant under the main accused M/s. Jyoti Thakuria to issue electricity bill etc. and he was employed under him till 2015 as temporary worker.

Now, the petitioner is ready and willing co-operate with the investigation, if the privilege of pre-arrest is granted to him.

Further it is submitted that while the petitioner was working under Ms. Jyoti Takhuria, he was working as temporary worker and he has left his temporary job and joined in the Handloom & Textile Department on 14.12.2015

and since then he has no connection with M/s. Jyoti Thakuri. However, he has received phone call from the Police Station to appear before the concerned police official for which there is apprehension of arrest in connection with the present case. Hence, this anticipatory bail application has been filed by the petitioner seeking pre-arrest bail.

The learned All. PP Mr. Borthakur submits that there is no material available against the petitioner except the statement made by the co-accused or the prime accused that during that period, the petitioner was employed under M/s. Jyoti Thakuria. Except the statements made by the co-accused, M/s. Jyoti Thakuria, no other materials collected by the I.O. against the present petitioner, More so, sufficient materials so far collected by the I.O. against the other accused persons.

In this context, Mr. P Barthakur, learned Addl. PP has raised objection for granting pre-arrest bail to the petitioner on the ground that the main culprit M/s. Jyoti Thakuria who used to supply electricity to Bharti Infratel Limited and the petitioner was working under M/s. Jyoti Thakuria.

In view of the above, considering the entire aspects and considering the submissions of the learned counsels for both the parties, I find it fit case where custodial interrogation of the petitioner may not be warranted and the petitioner may be given the benefit of pre-arrest bail.

Accordingly, in the event of arrest of the petitioner in connection with the aforementioned case, the petitioner, Abnur Ali, be released on pre-arrest bail on furnishing a bail bond of Rs. 20,000/- with a suitable surety of like amount to the satisfaction of the arresting authority with the following conditions that:-

1. the petitioner is directed to appear before the I.O. within a period

of 7 (Seven) days from today;

2. the petitioner shall make himself available for interrogation by the I.O. as and when required;

3. the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.

The bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant