

GAHC010136702023



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

Case No. : AB/2234/2023

NUR MOHAMMAD ALI
S/O- TAPIYAL HUSSAIN,
R/O- VILL- NAUWARBHITA (PART),
P.S- DOTMA,
DIST- KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

28.07.2023

Heard Mr. B. Islam, learned counsel for the petitioner. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor, appearing for the State of Assam, who placed the case diary of Fakiragram Police Station Case No. 45/2023 before

this Court which was requisitioned in the instant bail application.

This application under section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Nur Mohammad Ali, who is apprehending his arrest in connection with Fakiragram Police Station Case No. 45/2023 under section 379/411 of the Indian Penal Code R/W section 41 Assam Forest Regulation Act, 1891.

The accusation in this case is that on 30.03.2023, one Parsuram Gayan, lodged an FIR before the Officer-in-Charge of Fakiragram Police Station, *inter-alia*, alleging that on 30.03.2023, at night at about 2:00 A.M. two persons were found to carry some stolen wooden log in a hand pulled cart (thela) from Besamari Pt-II under Danglabari to Besimari road at Sendrimura Part-2. However, when they were tried to be apprehended they fled away from the said place. The wooden logs were later on seized and Fakiragram Police Station Case No. 45/2023 was registered.

Learned counsel for the petitioner submits that the petitioner is an innocent person and is connected in no manner with the offence alleged in the FIR. However, it is submitted that the police is searching the present petitioner which has caused his apprehension of getting arrested in the said case. On the other hand, learned Additional Public Prosecutor submits that on perusal of the case diary it appears that there is a strong suspicion against the present petitioner of his being involved in the offence alleged in the FIR. However, none of the witnesses has named the present petitioner.

Considering, the submissions made by learned counsel for both sides as well as on perusal of the materials available on record, the petitioner, including the case diary of Fakiragram Police Station Case No. 45/2023, the present petitioner, namely, Nur Mohammad Ali, is directed to appear before the Officer-

in-Charge of Fakiragram Police Station Case No. 45/2023 within a period of 10 (ten) days from the date of this order and co-operate with the Investigating Officer of the said case. If he does so within the stipulated period of time, in the event of his arrest in connection with Fakiragram Police Station Case No. 45/2023, the present petitioner shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the condition that he shall co-operate with the Investigating Officer of the said case.

With the above observation, the instant anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant