

GAHC010139322023



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

**Case No. : Bail Appln./2252/2023**

ANOWAR HUSSAIN  
S/O- KITAP ALI,  
R/O- GORIA, GHOTALA,  
P.S- SARTHEBARI,  
DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY PP, ASSAM

**Advocate for the Petitioner : MRS. R RONGMEI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**30-06-2023**

Heard Mrs. R Rongmei, learned counsel for the petitioner and Mr. D Das, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC the petitioner, namely, **Anowar Hussain**, is seeking bail in connection with **Paltan Bazar Police Station Case No. 229/2023**

corresponding to G.R. No. 3886/2023 registered under Section 379 IPC, wherein he was arrested on 07.06.2023 and is in custody since then.

As per the FIR of the case, the complainant stated that their establishment is a distribution house of Xiaomi (Mi) mobile phones and on 29.03.2023 they purchased some mobile phones from Xiaomi by due challan containing four boxes in the consignment and on being opened, it was found that in one of the boxes ten nos. of mobile handsets (Model- Redmi Note-12 Pro 5G Glacier Blue 8 GB RAM 256GB ROM) were missing and in place of the mobile handsets a piece of brick was placed to match the weight of the box. Further on checking it was found that out of those ten missing handsets six handsets have already been activated between 2<sup>nd</sup> April to 30<sup>th</sup> May. The complainant provided the IMEI Nos. of the mobile handsets that got activated out of those ten Nos. of missing handsets.

Accordingly, Paltan Bazar P.S. Case No. 229/2023 was registered against the petitioner, named above, under Section 379 IPC.

The petitioner was arrested on 07.06.2023 in said Paltan Bazar P.S. Case No. 229/2023 and was produced before the learned Magistrate on 08.06.2023.

Mr. Das, learned APP, Assam has submitted that the petitioner is one of the purchasers of those ten missing handsets, who purchased one mobile handset from one, Monoj Das who is the employee of the informant of the case and the main accused who took delivery of said consignment.

Mr. Das, learned APP, Assam has also submitted that out of those ten missing mobile handsets, five mobile handsets have already been recovered and the accused Monoj Das has already sold five such handsets.

Note of the concerned I.O. of the case also indicates that the mobile handset that was recovered from the possession of the petitioner does not indicate the IMEI No. provided by the complainant.

Considering such materials in the Case Diary, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Paltan Bazar P.S. Case No. 229/2023. As such, this bail application of the petitioner in said Paltan Bazar P.S. Case No.

229/2023 is accepted.

Accordingly, the petitioner, namely, **Anowar Hussain**, be released on bail in said Paltan Bazar P.S. Case No. 229/2023 on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Paltan Bazar P.S. Case No. 229/2023 as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Paltan Bazar Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case and (iv) not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Paltan Bazar P.S. Case No. 229/2023 shall stand automatically vacated.

Failure on the part of the petitioner to comply with the terms and conditions as specified above and any violation of the aforesaid terms and conditions by the petitioner, named above, bail granted to him in the aforementioned Paltan Bazar P.S. Case No. 229/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

**JUDGE**

**Comparing Assistant**