

GAHC010180592023



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

Case No. : AB/2870/2023

SHAHJAHAN SHAH AND ANR
S/O LATE SHAH MOHAMMAD SHAH
R/O VILL- PAKA BETBARI PAM,
P.S. AND DIST. BARPETA, ASSAM

2: MD. JAFAR ALI
S/O FAKAR ALI
R/O VILL- PAKA BETBARI PAM

P.S. AND DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR N AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28-09-2023

Heard Mr. N.Ahmed, learned counsel for the applicants and also heard Ms. N. Das, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Dispur P.S. Case No. 1362/2023, under Section 379 IPC, this

application under Section 438 Cr.P.C. is preferred by the applicants, namely, 1. Shahjahan Shah and 2. Md. Jafar Ali for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by Saurav Paul on 17.7.2023. The essence of allegation made in the FIR dated 17.7.2023, is that the informant has parked his Truck bearing registration No.AS-12A-1959, opposite to the Axom Auto Traders, Dakhingaon Road, and thereafter, on 15.7.2023, he came to know that the Truck is missing from the parked place and on checking the nearby C.C. TV footage, he found that the Truck was picked up by a Crane on 14.7.2023, at around 11-27 PM.

Mr. Ahmed, learned counsel for the applicant submits that the applicants are labourer of one Hasim Ali and said Hasim Ali has already been arrested herein this case and that the applicants have been granted interim protection vide order dated 17.8.2023, by this Court, and pursuant to said order, they have appeared before the I.O. and their statements have been recorded and they have been cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 17.8.2023, absolute in same terms and condition.

Whereas, Ms. N. Das, learned Addl. P.P. has produced the case diary before this Court and submits that the investigation of the case has already been completed and the applicants have been extending cooperation with the investigating agency and their custodial interrogation is not warranted in the interest of investigation.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Ms.Das, learned Addl. P.P.

In view of submissions of learned Advocates of both sides and also in view of materials collected so far in the case diary as well as the progress of the investigation and also in view of the cooperation, being extended by the applicant to the investigating agency, their custodial interrogation seems to be not warranted herein this case, and accordingly, interim order dated 17.8.2023, is hereby made absolute in the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant