

GAHC010199102023



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

Case No. : AB/3071/2023

TAHER ALI AND ANR
S/O SIDDIK ALI
VILL- BANDORMATHA, P.O. HASHDOBA, P.S. LAKHIPUR
DIST. GOALPARA, ASSAM

2: BAHAR ALI
S/O SIDDIK ALI
VILL- BANDORMATHA
P.O. HASHDOBA
P.S. LAKHIPUR
DIST. GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP.BY THE PP, ASSAM

Advocate for the Petitioner : MS A BEGUM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

11.10.2023

Heard Ms. A. Begum, learned counsel for the applicants and also heard Mr. K.K.

Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Lakhipur P.S. Case No.253/2023 under Section 379 IPC corresponding to G.R. Case No.1066/2023, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Taher Ali and Bahar Ali, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Ishahak Ali Mondal on 25.08.2023. The essence of allegation made in the FIR is that on the intervening night of 22.08.2023, the owner and driver Baharul of Bolero pickup vehicle, bearing Registration No.AS-01QC-2971 have committed theft of 35 mounds of dry jute and 4/5 mound of wet jute from the road in front of his house.

4. Ms. Begum, learned counsel for the applicants submits that this Court was pleased to grant the privilege of interim pre-arrest bail to the applicants vide order dated 11.09.2023, and pursuant to the said order, the applicants had appeared before the I.O. on 14.09.2023 and they have been cooperating with the investigating agency and therefore, Ms. Begum contended to make the interim order dated 11.09.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. K.K. Das, learned Additional Public Prosecutor has produced the case diary before this Court and confirmed that the applicants had appeared before the I.O. and they have been extending cooperation with the investigating agency. Mr. Das further submits that the stolen articles have already been recovered and seized in connection with the case.

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

7. The case diary indicates that the applicants had appeared before the I.O. on 14.09.2023 and their statements are recorded and it also appears that they have been

cooperating with the investigating agency. Further, it appears that the stolen articles have already been recovered by police and seized in connection with this case. In view of above, custodial interrogation of the applicants seems to be not warranted here in this case. Accordingly, this Court is inclined to make the interim order dated 11.09.2023, absolute, in the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant