

GAHC010205442023



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

**Case No. : Bail Appln./3257/2023**

IRFAN SEIKH @ TEPU  
S/O. ORI SEIKH R/O BHUTNATH BAZAR, C/O MUNMI BEGUM P.S -  
BHARALUMUKH, GUWAHATI 781009, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE P.P ASSAM

**Advocate for the Petitioner : MD A RAHMAN**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**03.10.2023**

Heard Mr. S.I. Ahmed, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Irfan Seikh@ Tepu, who has been

detained behind the bars since 15.08.2023(since last 49 days) in connection with Bharalumukh P.S. Case No. 229/2023 under Section 392 of the Indian Penal Code.

The gist of accusation against the present petitioner is that on 30.07.2023, one Shri Rajib Roy lodged an FIR before the Officer-In-Charge of Bharalumukh P.S. Case No. 229/2023, *inter-alia*, alleging that on 29.07.2023, at about 8:30 PM, when the first informant was coming back to his home along with his wife and his daughter, when they reached infront of the gate of their house one unknown biker snatched the gold chain from the neck of the wife of first informant and fled away from the spot. On receipt of the said FIR, Bharalumukh P.S. Case No. 229/2023 was registered.

Mr. S.I.Ahmed, learned counsel for the petitioner has submitted that the petitioner is no way involved in the offence alleged in the FIR. It is also submitted that the petitioner is the owner of a scooty bearing Registration No. AS-01-EX-6241, which has been seized in connection with this case. However, he points out that in the FIR it was alleged that the chain has been snatched by a biker which means a motor-cycle rider not a scooty rider. It is also submitted that considering the period of detention already undergone by the petitioner, he may be allowed to go on bail.

On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor submits that there are sufficient incriminating materials against the present petitioner. Though the face of the person, who committed the alleged offence could not be identified, however, the scooty has been identified clearly by the CCTV Footage as well as by the other witnesses and the said scooty belongs to present petitioner.

It is also submitted that the snatched gold chain is yet to be recovered.

Considering the submissions made by learned counsel for both the parties as well as considering the materials available on record, I am of the opinion that though the petitioner has been detained behind the bars since last 49 days, however, as there are sufficient incriminating materials against him and as the stolen golden chain is yet to be recovered, this Court is not inclined to grant the bail to him at this stage.

Therefore, the prayer for bail is rejected.

**JUDGE**

**Comparing Assistant**