

GAHC010212832023



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

Case No. : AB/3265/2023

ZAKARIA AHMED TALUKDAR
S/O NAZIM UDDIN TALUKDAR. VILL- DEBASTHAN P.S - MURAJHAR DIST-
HOJAI, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P ASSAM.

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

27.09.2023

Heard Mr. N.J. Dutta, learned counsel for the applicant and Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Murajhar P.S. Case No. 176/2023**, under Sections 120[B]/468/471/379/411 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Zakaria Ahmed Talukdar** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged

by SI Raju Ali, on 05.08.2023. The essence of allegations made in the FIR is that acting on a tip off the informant has conducted search in the tea stall of Sukur Ali, situated at Choudhury Bazar, Murajhar and apprehended him and recovered two numbers of motorcycle bearing registration Nos. AS-09-F-4457 and AS-14B-4768 from his possession and during investigation, it has been found that the registration certificate does not match with the record of M-Parivahan Assam Cop Application and later on, Sukur Ali disclosed that one Joynal Uddin; Abdul Hasib; Mojibur Rahman; and Saidul Alam are also involved in the racket of motorcycle lifting, manipulating of RC and selling of motorcycle.

4. Mr. Dutta, learned counsel for the applicant submits that the applicant is the owner of a garage and on such count he is being searched by the police. Mr. Dutta further submits that the applicant is no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Ms. Das, learned Additional Public Prosecutor, has produced the case diary before this court and submits that the materials collected so far in the case diary is inadequate to show the complicity of the applicant with the offence alleged in the FIR.

6. Having heard the submissions of learned Advocates of both sides, I have carefully perused the petition as well as the documents placed on the record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. In view of the materials so far collected in the case diary, this Court is of the view that custodial interrogation of the applicant seems to be unwarranted, in the interest of investigation.

8. Accordingly, it is provided that in the event of arrest of the applicant, in connection with **Murajhar P.S. Case No. 176/2023**, under Sections 120[B]/468/471/379/411 of the IPC, he shall be enlarged on interim pre-arrest bail on executing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make **himself** available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade **him** from disclosing such facts to the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned **CJM, Hojai**, without prior permission.

10. In terms of above, this AB stands disposed of.

11. The case diary be returned.

Comparing Assistant

JUDGE