

GAHC010218622023



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

Case No. : Bail Appln./3490/2023

ASHIK ALI @ DANGAR
S/O AFJAL ALI
R/O JANA PATH, ITAVATA
DHIRENPARA NEAR SHIV MANDIR
P.S. FATASIL AMBARI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.10.2023

Heard Mr. S. M. Abdullah P, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, *Ashik Ali @ Dangar*, who is

detained behind the bar since 16.08.2023 in connection with Fatasil Ambari P.S. Case No. 182/2023 under Sections 379/413/34 of the Indian Penal Code.

The accusation against the present petitioner is that on 15.08.2023, one Utpal Chutia, SI of Police lodged an FIR before the Officer-in-Charge of Fatasil Ambari Police Station, *inter alia*, stating that on basis of the information received through the reliable sources regarding theft of mobile phones and on recovery of stolen property from one person, namely, Md. Samir Ali, who was caught red-handed. Some stolen mobiles were seized and on the basis of the information provided by the said Md. Samir Ali, other accused persons, namely, Md. Mahibul Islam and Ashik Ali i.e., were arrested.

Learned counsel for the petitioner has submitted that the petitioner has received the said mobile phones from his friend without having any knowledge about the fact that the same are stolen property. Learned counsel for the petitioner has also submitted that the petitioner has been detained behind the bar since the last 51 days and considering the period of detention, the present petitioner may be allowed to go on bail.

On the other hand, the Additional Public Prosecutor has produced the case diary of Fatasil Ambari P.S. Case No. 182/2023 and has submitted that there are incriminating materials against the present petitioner and seizure of stolen mobile was also made from the possession of the present petitioner. However, he submits that the Investigating Officer has already recorded the statement of the present petitioner and the relevant witnesses and the investigation has fairly progressed.

I have considered the submissions made by learned counsel for both side and I have also perused the materials on record.

Considering the progress made in the investigation, as well as the period of detention already undergone by the present petitioner, his further detention does not appear to be necessary for fair completion of the investigation of Fatasil Ambari P.S. Case No. 182/2023.

In view of the votes, the above-named petitioner is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), subject to the condition that the petitioner shall cooperate with the Investigating Officer.

With the above observation, this bail petition is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant