

GAHC010223072022



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

Case No. : AB/3217/2022

ALI AHMED
S/O ABDUL AWAL
R/O VILL- SIMLAI PATHAR
P.S. KAMPUR
DIST.NAGAON, ASSAM
PIN CODE- 782426

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

03.01.2023.

Heard Mr. R.C. Das, learned counsel for the applicant. Also heard Mr. R.J.

Baruah, learned Addl. P.P., Assam appearing for the State respondent.

Apprehending arrest in connection with the Kayan P. S. Case No.55/2022, under Section 380 of the IPC, read with Section 66D of the IT Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, Ali Ahmed for grant of pre-arrest bail.

The above noted case has been registered on the basis of an F.I.R., lodged by one Sayed Abdul Matin on 24.09.2022, to the effect that on 22.09.2022 and 23.09.2022, some unknown persons have withdrawn a sum of Rs.8,80,000/- from his Account No.10958252751, maintained in the SBI, Rangia Branch, without his knowledge.

Mr. RC Das, learned counsel for the applicant submits that the name of the applicant finds no mention in the FIR and that the prime accused has been arrested here in this case and he has implicated the applicant with the offence alleged in the FIR and that the applicant is a daily wage earner and he ready upto Class-IX and he is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. R.J. Baruah, learned Addl. P.P., Assam has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicant and that the investigation is still going on and co-accused are yet to be arrested and custodial interrogation of the applicant is necessary here in this case and therefore, it is contended to dismiss the petition.

Having heard the submissions 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. R.J. Baruah, learned Addl. P.P., Assam.

It appears that the I.O. has collected sufficient incriminating materials against the applicant and also it appears that the investigation is still going on and other co-accused are yet to be arrested. Having regards to the stage of investigation, and also the nature and accusation and the punishment prescribed for the same as well as the submission of learned Advocates of both sides, this Court is of the view that custodial interrogation of the applicant is necessary in the interest of investigation and this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant, and therefore, the same is dismissed.

Case diary be returned.

JUDGE

Comparing Assistant