

GAHC010251632022



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

**Case No. : Bail Appln./3394/2022**

MD. KHADIMUL ISLAM  
S/O ABDUL MOTLEB @ SAYEB ALI  
R/O NO. 1 AHMEDPUR  
P.S. BIHPURIA  
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR M HOQUE**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 03-01-2023**

Heard Mr. R.A. Choudhury, learned counsel for the accused-petitioner in B.A. no. 3394/2022; Mr. K. Boruah, learned counsel for the accused-petitioner in B.A. no. 3534/2022; and Mr. B. Sharma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By the two applications under Section 439, Code of Criminal Procedure, 1973, the accused-petitioner viz. Md. Khadimul Islam in B.A. no. 3394/2022 and the accused-petitioner in B.A. 3534/2022 viz. Md. Mofidul Islam have prayed for their release on bail in connection with North Lakhimpur Police Station Case no. 557/2022 [G.R. Case no. 1163/2022], registered for offence under Section 392, Indian Penal Code [IPC].

3. The accused-petitioner in B.A. no. 3394/2022 is in custody since 22.11.2022 whereas the accused-petitioner in B.A. no. 3534/2022 is in custody since 13.11.2022.

4. The First Information Report [FIR] was lodged by one Sri Takom Mize, a resident of Pasighat, East Siang District, Arunachal Pradesh on 13.10.2022. As per the FIR, the informant was called to a place near Lilabari Airport junction, North Lakhimpur Bypass on 12.10.2022 by one Sri Rajkumar to discuss about a business deal regarding supply of black turmeric from Pasighat. According to the informant, he went to the place in his vehicles, as had been called by Sri Rajkumar, with Rs. 30,00,000/- in cash in a bag. When he went to the place on 12.10.2022, the informant was asked to park his vehicle at the roadside and thereafter, he was led to a house by one person who came in a motor-cycle bearing registration no. AS-070/8880. When after discussion the informant came near his vehicle, the person named Rajkumar and another person accompanying him took the bag containing Rs. 30,00,000/- in cash from inside the vehicle and ran away from the place. Immediately thereafter, the informant went back to the house where he met Sri Rajkumar to find out about the culprits. At the said house, the informant met another person who had a motor-cycle bearing registration no. AS-070/6760. The informant suspected involvement of two more

persons viz. Sanju and Babul in the act of robbery.

5. Mr. Sharma, learned Additional Public Prosecutor has produced the case diary. In the course of investigation, a number of persons including the present two accused-petitioners, have been arrested. On perusal of the materials in the case diary including the statements of the witnesses and the arrested accused persons recorded under Section 161, CrPC, it has emerged that the commission of robbery was apparently an organized act wherein involvement of a number of accused persons including the two accused-petitioners herein, are found. The commission of robbery was apparently carried out in a pre-planned and organized manner wherein a number of accused persons had played their respective roles. In the course of investigation, though a number of persons including the two accused-petitioners herein, have been arrested but few other members of the organized group are still at large evading arrest. In the meantime, an amount of Rs. 1,00,000/- in cash has been recovered and seized from one of the arrested co-accused persons. One of the motor-cycles involved in committing the crime has also been recovered from the possession of one of the arrested co-accused persons. The investigation of the case is still in progress and there is need to apprehend the other accused persons involved in the organized crime.

6. Having considered all the incriminating materials available in the case diary, this Court is of the view that if the two accused-petitioners herein are released on bail at this stage of investigation, there is every possibility of affecting the further investigation of the case adversely. In such view of the matter, I am not inclined to allow the prayer of bail of the two accused-petitioners herein at this stage of investigation. Consequently, the prayers for

bail are rejected.

**JUDGE**

**Comparing Assistant**