

GAHC010260902023



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

Case No. : AB/3935/2023

MUJIBUR @ MUJIT RAHMAN
S/O ABDUS SUBHAN
R/O TOWN- MUSLIM PATTY,
PANCHALI HOJAI,
P.S. HOJAI
DIST. HOJAI, ASSAM (INDIA), 782446

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE APP, STATE OF ASSAM

Advocate for the Petitioner : MR S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

20.12.2023

Heard Mr. S. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam.

This application under Section 438 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Mujibur @ Mujit Rahman, who is apprehending his arrest in connection with Fatasil Ambari P.S. Case No. 180/2023, under Section 420/406/384/34 of the Indian Penal Code.

The gist of accusation in this case is that on 14.08.2023, one Sri Mukul Singh had lodged an FIR before the Officer-In-Charge of Fatasil Ambari Police Station naming two accused persons in the said FIR including the present petitioner as accused No. 2, *inter-alia*, alleging that the accused No. 1 had taken one vehicle bearing Registration No. AS-01FP-9295 for a period of 15 days from the first informant. However, he failed to return the said vehicle after expiry of the said period and in the meanwhile, the accused No. 1 also took another vehicle bearing Registration No. AS-01-FJ- 5759 for a period of three days with an assurance to the informant that he would return both the vehicles within the stipulated time fixed by them, i.e. in between the accused No. 1 and the first informant. However, the accused No. 1 failed to return the said vehicles. Later on, with the help of GPS tracker both the vehicles were located and the second vehicle was located near the house of the present petitioner and when the informant went to take the said vehicle, the present petitioner demanded Rs. 2,50,000/- from the informant for handing over the said vehicle.

Learned counsel for the petitioner has submitted that the allegations leveled against the present petitioner in the FIR are false.

Learned Additional Public Prosecutor, on the other hand, has produced the case diary Fatasil Ambari P.S. Case No. 180/2023 and has fairly submitted that there are incriminating materials against the accused No. 1 mentioned in the FIR, however, at this stage, there is only strong suspicion against the present petitioner and his interrogation would be required for fair completion of the investigation of the Fatasil Ambari P.S. Case No. 180/2023.

Considering the submissions made by the learned counsel for the petitioner as well as considering the materials available in the case diary, this Court is of the considered opinion that if the above named petitioner co-operates with the Investigating Officer, his custodial detention may not be necessary for fair completion of the investigation of Fatasil Ambari P.S. Case No. 180/2023.

In view of the above, the petitioner, namely, Mujibur @ Mujit Rahman, is hereby directed to appear before the Investigating Officer of Fatasil Ambari P.S. Case No. 180/2023 within a period of 10(ten) days from the date of this order and co-operate in the investigation. If he does so within the stipulated period of time, in the event of his arrest in connection with Fatasil Ambari P.S. Case No. 180/2023, the above named petitioner shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and
- (ii) the petitioner shall co-operate in the investigation.

With the above observation, this bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant