

GAHC010261912023



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

Case No. : AB/3968/2023

ROFIKUL ISLAM
S/O- LATE ABUL HUSSAIN, VILL.- KUPATIMARI, P.O. AND P.S.
BHURAGAON, DIST. MORIGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MS A HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 07-12-2023

Heard Ms. A. Hussain, learned counsel for the applicant and also heard Mr. K. K. Parasar, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Bhuragaon P.S. Case No.119/2023, under Sections 120(B)/420/379/411/409/34 IPC, read with Section 7 of E. C. Act, this application under Section 438 Cr. P. C. is preferred by applicant,

namely, Rofikul Islam for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Dhiren Chandra Borah on 12.10.2023.

The essence of allegation made in the FIR dated 12.10.2023, is that acting on a tip off, the informant and other police staff conducted search in the house of Chanchal Dey of Barukati village and found many sacks of rice stocks in the varanda of his house and when asked, he could not produce any document of the said stock were suspected to be of PDS rice and during interrogation Chandhal Dey reveals that one Saiful Islam, Md. Hasen Ali, the President and Secretary of Bhuragaon Samabay Samiti are involved in the case and accordingly, house of said two persons were also searched and they were taken into custody and 170 bags of rice recovered from the house of Chanchal Dey in a Truck bearing Registration No. AS-25-0245 were seized the same in presence of witnesses, preparing seizure list.

Ms. Hussain, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that he has been apprehending arrest, as because one of the accused named in the FIR namely, Hasen Ali has falsely implicated him and that he is ready to cooperate with the investigating agency and his custodial interrogation may not be required and therefore, it is contended to allow the petition

Whereas, Mr. K. K. Parasar, learned Addl. P.P. has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR and therefore, Mr. Parasar has opposed the petition.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also

perused the case diary with the assistance of Mr. Parasar, learned Addl. P.P. Case diary indicates that I.O. has collected sufficient incriminating materials against the present applicant. Moreover, investigation is going on. In view of the materials collected so far in the case diary and also the stage of investigation, at this stage, this Court is unable to accord concurrence to the submission advanced by the learned counsel for the applicant that the custodial interrogation of the applicant is not required, in the interest of investigation. His custodial interrogation is required in the interest of investigation. And accordingly, this petition stands dismissed. The applicant shall surrender before the concerned Police Station, within a period of one week from today. In terms of above this anticipatory bail application stands disposed of . Case diary be returned.

JUDGE

Comparing Assistant