

GAHC010275172023



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

Case No. : Bail Appln./4447/2023

JAHIDUR RAHMAN
SON OF JAFAR ALI, RESIDENT OF VILLAGE- NIZ KHARUPETIA, PS-
DHULA, DIST - DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP,

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

18.12.2023

Heard Mr. H.R. Choudhury, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Jahidur Rahman, who has been

detained behind the bars since 19.11.2023 (for last 30 days) in connection with Patharkandi P.S. Case No. 340/2023 under Sections 420/379/34 of the Indian Penal Code.

The gist of accusation in this case is that on 16.11.2023 one Ahmed Hussain has lodged an FIR before the In-Charge of Barigram Police Watch Post, *inter-alia*, alleging that the first informant had hired one vehicle bearing Registration No. AS 27C 7848 (Ashok Leyland) for transporting betel nuts from Barigram Rail gate. However, on 12.11.2023, at night the first informant lost contact with the driver and thereafter on search, he found the vehicle was abandoned in front of Toll Gate and the consignment of betel nuts were stolen away.

Learned counsel for the petitioner has submitted that the petitioner is the owner of the said truck bearing Registration No. AS 27C 7848 (Ashok Leyland) and he is in no way involved in the allegations leveled against him in the FIR.

It is further submitted that he has been arrested only on the basis of the statement made by the helpers of the driver of the said truck.

It is further submitted by the learned counsel for the petitioner that the petitioner has been detained behind the bars since last 30 days and considering the period of detention, he may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Patharkandi P.S. Case No. 340/2023 and has submitted that the investigation has fairly progressed.

He has further submitted that though the petitioner is the owner of the truck and in his statement he has implicated the driver of the truck. However, the real truth is yet to be found out during the investigation and therefore, he has opposed the grant of bail.

I have considered the submissions made by learned counsel for both the sides and have perused the materials on record including the case diary of Patharkandi P.S. Case No. 340/2023.

Considering the progress in the investigation and period of detention already undergone by the present petitioner, i.e. for last 30 days, this Court is of the considered opinion that his further custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation of this case, if the petitioner co-operates in the investigation.

Hence, the above named petitioner is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karimganj.

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

Send back the case diary.

JUDGE

Comparing Assistant