

GAHC010006152024



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

Case No. : AB/107/2024

MD MONOHAR ALI AND ANR
S/O- MD KITAP ALI, R/O- VILLAGE- DULIAPARA, P.S. DALGAON, DISTRICT
DARRANG, ASSAM

2: MD ROFIQUE ALI @ RAFIQ ALI
S/O- TASLIM UDDIN
R/O- VILLAGE NO. 2 GALANDHI
P.S. KHARUPETIA
DISTRICT- DARRANG
ASSA

VERSUS

THE STATE OF ASSAM

REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD. I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 12-01-2024

Heard Mr. I. Hussain, learned counsel for the applicant and also heard Mr. P. S.

Lahkar, learned Addl. P.P. for the State respondent.

This application, under Section 438 Cr. P. C. is preferred by two applicants, namely, 1. Md. Monohar Ali and 2. Md. Rofique Ali @ Rafiq Ali, who have been apprehending arrest, in connection with Dalgaon P.S. Case No. 411/2023, G.R. Case No. 1829/2023, under Section 379 IPC, for grant of pre arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Abidur Rahman, Lense Naik of Doipam Police Outpost on 25.12.2023.

The essence of the allegation, made in the FIR, dated 25.12.2023, is that the informant alongwith his staff were attending patrolling duty on 24.12.2023, and at about 2-30 AM, they have intercepted one Baleno vehicle in front of the house of Monohar Ali without registration number and recovered two numbers of cattle from the same.

Mr. Hussain learned counsel for the applicants submits that this Court vide order dated 11.01.2024, in AB No. 7/ 2024, was pleased to grant privilege of interim pre arrest bail to one of the 10 accused, namely, Abdul Matlib and that the present applicants are also stand on the same footing and they are also no way involved with the offences, and they are ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. P.S. Lahkar, learned Addl P.P. has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR and therefore, Mr. Lahkar has opposed the petition.

Having heard the submission of learned Advocates of both the parties, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Addl. P.P..

The case diary indicates that the I.O. has collected sufficient incriminating materials against both the applicants. Investigation is still going on and custodial interrogation of the applicants are indispensable in the interest of investigation. And

therefore, this Court is of the view that this is not a fit case where the privilege of pre arrest bail can be granted to the applicants and accordingly, the petition stands dismissed.

Case diary be returned.

JUDGE

Comparing Assistant