

GAHC010014812024



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

Case No. : Bail Appln./243/2024

JAHIDUL ISLAM
S/O SOKIBOR ROHMAN
RESIDENT OF VILLAGE 3 NO. BASHBARI, P.S. MANIKPUR, DIST.
BONGAIGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

07.02.2024

Heard Mr. S. Rahman, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Jahidul Islam**, who has been languishing in jail hazot in connection with the **Manikpur P.S. Case No. 223/2023**, under Sections 379/411 of the IPC, for granting bail.

3. The said case has been registered on the basis of one F.I.R., lodged by

one Manoj Sharma, on 25.12.2023. The essence of allegations made in the FIR is that on 18.12.2023, 700 bags of star cement PPC/OPC were loaded in a vehicle, bearing registration No. RJ-52-GA-3974, of A.B. Logistic to deliver the same at Advance Enterprise, Bijni. But, the driver cum owner of the said vehicle did not deliver the material to the party and sold the same to unknown miscreants.

4. Mr. Rahman, learned counsel for the accused submits that the accused was arrested on 25.12.2023, and since then he has been languishing in jail hazot for last 46 days and that his further custodial detention may not be required, in the interest of investigation. Mr. Rahman further submits that he is the bonafide purchaser and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand Mr. Barua, learned Additional Public Prosecutor by producing the case diary before this Court submits that the IO has collected sufficient incriminating materials against the accused. Mr. Barua further submits that 379 numbers of bag of stolen cement have been recovered from the possession of the present accused and admittedly, he had purchased 400 numbers of bag of cement from one Sonu. Mr. Barua also submits that the investigation is still going on and remaining Cement bags are yet to be recovered and that the allegation is serious in nature and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the IO has collected sufficient incriminating materials in support of the allegation made in the FIR. Further, it appears that 379 numbers of bag of stolen cement have been recovered from the possession of the present

accused. The offences are serious in nature and investigation is still going on and some of the stolen cement bags are yet to be recovered and other co-accused are yet to be arrested and enlarging the accused on bail at this stage will misdirect the investigation.

8. In view of above, this Court is of the view that this is not a fit case where the privilege of bail can be extended to the accused.

9. Accordingly, this BA stands dismissed.

10. The case diary be returned.

Comparing Assistant

JUDGE