

GAHC010016002024



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

Case No. : Bail Appln./235/2024

PUTUL ALI AND ANR.
S/O LATE HADISH ALI, VILL SALEDAL KACHARI PAM, PS BAIHATA
CHARIALI, DIST KAMRUP, ASSAM
PIN-781121

2: RABIUL ALI
S/OMD. S AJAHAN ALI
R/O HUNTOLI @ SUNTOLI GAON
P.O. MAHTOLI BOKO
P.S. BOKO
DIST. KAMRUP
ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

Advocate for the Petitioner : MR. S N TAMULI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.02.2024

Heard Mr. S.N. Tamuli, learned counsel for the accused persons 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 persons namely, **Putul Ali and Rabiul Ali**, who have been languishing in jail hazot in connection with the **Barpathar P.S. Case No. 02/2024**, under Sections 379/411 of the IPC, for granting bail.

3. The said case has been registered on the basis of an FIR lodged by one Ankit Jain, on 14.01.2024. The essence of allegations made in the FIR is that 12111 liters of Fuel oil loaded in the Tanker, bearing registration No. AS-01-BC-4151, against invoice No. BATL/343/2023-24, dated 11.01.2024, belonging to the firm of the informant were stolen by the driver and helper of the Tanker and the aforesaid occurrence took place at Changsari, Guwahati.

4. Mr. Tamuli, learned counsel for the accused submits that the accused was arrested on 18.01.2024, and since then they have been languishing in jail hazot for last 29 days and that their further custodial detention may not be required, in the interest of investigation, 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 and that the investigation is still going on. Mr. Barua further submits that the stolen petroleum products are yet to be recovered 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. That perusal of the case diary indicates that the IO has collected sufficient incriminating materials in support of the allegation made in the FIR. Further, it appears that the investigation is still going on and the stolen petroleum products are yet to be recovered and enlarging the accused on bail at this stage will hamper the investigation.

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

9. Accordingly, the petition stands dismissed.

10. The case diary be returned.

JUDGE

Comparing Assistant