

GAHC010022542024



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

Case No. : Bail Appln./324/2024

ROHIM ALI @ RAHIM ALI
S/O ASHAM ALI, VILLAGE JORSIMILI, P.S. CHAYGAON, DISTRICT
KAMRUP(R), ASSAM

2: Amir Hamja Alias Sri Amir Hamza
S/O- KASHIM ALI
VILLAGE MORA BEGAPAR
P.S. KALAIGAON
DISTRICT UDALGURI
ASSAM

2: AMIR HAMJA @ SRI AMIR HAMZA
S/O KASHIM ALI
VILL- MORA BEGAPAR
P.S. KALAIGAON

DIST. UDALGURI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MS A BEGUM
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

19.02.2024

Heard Ms. A. Begum, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Addl. Public Prosecutor for the State/respondent.

By this petition under Section 439 Cr.P.C., the petitioners, namely, **1. Rohim Ali @ Rahim Ali and 2. Amir Hamja @ Amir Hamza**, have prayed for grant of bail in connection with **Jalukbari PS Case No. 25/2024** u/s **120(B)/328/379 /420/406** of the IPC corresponding to G.R. Case No. 317/24.

It is submitted by the learned counsel for the petitioners that the petitioners are innocent and they are no way involved with the alleged offence. On 11.01.2024 a vehicle was booked by two passengers to go to Mankachar district and they gave lift to the informant, who was waiting for the bus and after short distance he gave them Rs. 500/- and then the petitioner stopped the car and went to Krishna Online Service Centre to transfer money in the house of petitioner No.1 and thereafter with some false allegation they were arrested in this case on 15.01.2024.

Ms. Begum submits that the accused petitioners are ready to co-operate with the investigating officer if they are enlarged on bail. It is further submitted that they are behind the bar since last 35 days and accordingly, considering the length of detention they may be enlarged on bail.

Mr. P. Borthakur, learned Addl. Public Prosecutor, submits that there are sufficient incriminating materials against the accused petitioners showing their involvement with the alleged offence. He further submits that from the statement made by the owner of the Krishna Service Center it is seen that the accused petitioner transferred an amount of Rs.21,700/- to his account and he paid the cash amount to the petitioner. Both the accused petitioners were also identified by the witnesses. Mr. Borthakur further submits that the case is still at the stage of

investigation and hence if the accused petitioners are released on bail, there is every possibility of hampering and tempering of the witnesses. Accordingly, Mr. Borthakur has vehemently objects to the prayer for bail of the petitioners.

Considering the submission made by the learned counsel for both the parties and also considering the materials in the case record it is seen that the Investigating Officer has collected sufficient incriminating materials against both the accused petitioners and the case is still at the stage of investigation.

Considering all aspects of the matter, I do not find it appropriate to allow the accused petitioners to enlarge on bail.

Accordingly, the bail application stands rejected.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant