

GAHC010029022024



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

Case No. : AB/360/2024

DILSHA MOROL AND ANR.
S/O MOINUL HOQUE
R/O NO. 1 KHULABHUYA
P.S. MAYONG
DIST. MORIGAON, ASSAM

2: INAMUL HUSSAIN
S/O SHAHED ALI
R/O BURABURI BAZAAR

KURANIBARI

P.S. MAYONG

DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD. S HUDA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 22.02.2024

Heard Mr. N. Hoque, learned counsel for the applicants. Also heard Ms. A. Begum, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Mayong P.S. Case No. 149/2023, under Section 380 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by two applicants, namely, Dilsha Morol and Inamul Hussain, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Muksidul Hussain on 07.12.2023. The essence of allegation made in the FIR dated 07.12.2023 is that in the night of 05.12.2023, while the informant was sleeping in the house of Abdul Latif, by keeping his Pulsar 125 bike, bearing Registration No. AS-21M-4643, in the house of said Abdul Latif, then, on the next day morning, he found the same missing.

4. Mr. Hoque, learned counsel for the applicants submits that the stolen motorcycle has already been recovered from the house of one Ruhul Amin, and the present applicants are no way involved in the offence alleged in the FIR and that they are ready to cooperate with the investigating agency and therefore, it is contended to allow the application.

5. On the other hand, Ms. A. Begum, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the person from whose house the motorcycle was recovered, was given to him by the present two applicants, and investigation is going on and the case is pending for arrest of the present two applicants, and therefore, Ms. Begum has contended to

dismiss the application.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of Ms A. Begum, learned Addl. Public Prosecutor.

7. It appears from the case diary that the I.O. has collected sufficient incriminating materials against both the applicants and in the interest of investigation, their custodial interrogation seems to be indispensable here in this case, and therefore, this Court is inclined to dismiss this application.

8. In terms of above, this application stands disposed of.

9. Case diary be returned.

JUDGE

Comparing Assistant