

GAHC010033162024



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

Case No. : AB/420/2024

ABDUL BASIT
S/O RAHIM ALI
R/O - KHANDARKARPARA, P.O - BHELLA, DIST - BARPETA ,ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R MAZUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

08.05.2024

Heard Mr. H. Bezbarua, learned counsel for the applicant and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Howly P.S. Case No. 08/2024**, under Sections 380/411/34 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, **Abdul Basit**, 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 Sadek Ahmed on 03.02.2024. The essence of allegation made in the FIR dated 03.02.2024, is that on that day, at about 3:30 a.m., when an employee of Airtel Company, namely, Arun Deka, informed him that two numbers of RRU machine have been stolen from Indus Tower of Dalgaon under Howly P.S., he came to the place of occurrence and found one vehicle, bearing Registration No. AS01JC8516, being parked near the place of occurrence and also found one person, namely, Manik Ali, and on being searched, he found one RRU machine in the said vehicle and when asked, Manik Ali stated that the said RRU machine was stolen from Indus Tower, along with Babul Ali, Firoj Ali and Dangar.

4. Mr. Bezbarua, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 22.02.2024, and pursuant to the said order, the applicant have appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 22.02.2024, absolute in the same terms and conditions.

5. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor by producing the case diary before this Court, confirms that the applicant had appeared before the I.O. and his statement is also recorded and that material part of the investigation is almost over.

6. Having heard the submissions of learned Advocates of both sides, 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. In view of the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the

investigating agency and that of the progress of investigation, this Court is of the view that custodial interrogation of the applicant seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **22.02.2024, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

Comparing Assistant

JUDGE