

GAHC010033162024



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

Case No. : AB/421/2024

FIROJ ALI
S/O NUR MAHAMMAD ALI
R/O - KHANDAKARPARA
P.O - BHELLA
DIST - BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. R MAZUMDAR
Advocate for : PP
ASSAM appearing for THE STATE OF 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, **Firuj Ali**, 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 the applicant is innocent and no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. Gogoi, learned Additional Public Prosecutor submits that the I.O. has collected some incriminating materials against the applicant and that the investigation is still going on and therefore, it is contended to dismiss the petition.

6. Having heard the submission 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 produced before this Court with the

assistance of learned Additional Public Prosecutor.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the applicant. Further, it appears that the investigation is still going on and one of the RRU is yet to be recovered.

8. In view of above and also in view of the materials, so far collected in the case diary, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same stands dismissed.

9. The case diary be returned.

JUDGE

Comparing Assistant