

GAHC010034922024



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

**Case No. : Bail Appln./502/2024**

RAFIKUL ISLAM  
S/O SOLEMAN ALI  
R/O VILL- BEHULAPARA  
SRIJANGRAM  
P.S. ABHAYAPURI  
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner : MR. A K AZAD**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**15.03.2024**

Heard Mr. A.K. Azad, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P, Assam for the State respondent.

This is an application under Section 439 of the Cr.PC, 1973 for granting bail to the petitioner, i.e., Rafikul Islam, who was arrested on 02.02.2024 in connection with Doboka P.S. Case No. 01/2024 registered under Sections 120(B)/382/ 367/368 of IPC.

The facts of the case is that an FIR was lodged by the informant alleging inter alia that on 30.12.2023, one Truck Container, Tata 1109 was loaded from Changsari Godown with ITC Products for delivery to Dimapur. It is further alleged that the said Truck started from Changsari on 30.12.2023 and on 03.01.2024 from the owner of the Truck, the informant came to know that the said Truck has been hijacked by some unknown Miscreants along with the stocks. Accordingly, a case was registered.

Mr. A.K. Azad, learned counsel for the petitioner submits that 9 persons alongwith the petitioner has been arrested in connection with the aforesaid offence. He submits that 8 of the co-accused were already granted bail. He further submits that the petitioner was not named in the FIR. However, the co-accused during interrogation had implicated the petitioner in the alleged offence.

Mr. P. Borthakur, learned Addl. P.P submits that there are materials available on record implicating the petitioner for the alleged offence.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that the investigation has substantially progressed and the name of the petitioner though was not named in the FIR, however,

subsequently during interrogation on the basis of the statement of the co-accused, the petitioner was arrested and interrogated. It further appears that the other co-accused have already been released on bail.

Considering the facts and circumstances of the case, this Court is of the considered view that further detention of the petitioner may not be required for the on-going investigation.

Accordingly, it is provided that the petitioner named above shall be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the learned CJM, Hojai, subject to the following conditions:-

- (i) That the petitioner shall co-operate with the investigation.
- (ii) That the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer; and
- (iii) That the petitioner shall refrain from committing any similar offence in future of which he is accused or suspected of commission.

With the above observation and direction, the Bail Application stands disposed of.

**JUDGE**

**Comparing Assistant**