

GAHC010038712024



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

Case No. : AB/519/2024

MOHIDUL ISLAM AND ANR.
S/O SAHED ALI
VILL- LAO GAON
P.S. NAGAON
DIST. NAGAON, ASSAM

2: ABDUL KADIR
S/O KASEM ALI
R/O VILL- LAO GAON
P.S. SAMAGURI
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 11.03.2024

Heard Mr. A. Deka, learned counsel for the applicants. Also heard Mr. B.

Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Raha P.S. Case No. 04/2024, under Section 379 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicants, namely, Mohidul Islam and Abdul Kadir, 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 Bikram Tanti on 11.01.2024. The essence of allegation made in the FIR dated 11.01.2024, is that on 10.01.2024, at about 3 a.m., one of the cows of the informant was stolen in a vehicle, and then he chased the vehicle, but failed to intercept the same. Then, with the help of some other persons, he further chased the vehicle and found one Baleno car, bearing Registration No. AS01FK1690, standing at the Railway crossing and having searched the vehicle, he found his cow kept in the trunk of the said vehicle being tied her legs with ropes. Thereafter, having searched another vehicle which was standing there, bearing Registration No. AS02AM8775, they found another cow inside the trunk of the said vehicle. But, some of the persons of the car managed to escape due to darkness. Thereafter, he had reported the incident to Chaparmukh P.S.

4. Mr. Deka, learned counsel for the applicants submits that the applicants are the owners of both the vehicles and that they are innocent and no way involved with 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, Mr. B. Sarma, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicants, and therefore,

Mr. Sarma has opposed 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 Mr. B. Sarma, learned Additional Public Prosecutor.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against both the applicants, investigation is going on and extending the privilege of pre-arrest bail to the applicants, at this stage will misdirect the investigation.

8. Having regards to above and having regards to the nature and gravity of the offence and punishment prescribed for the same, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicants, and accordingly, this application stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant