

GAHC010045722024



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

Case No. : Bail Appln./612/2024

RAHMAT ALI @ RAHAM ALI,
S/O. LATE ABDUL KASEM, R/O. NO. 3 UDALGURI, P.S. KAJALGAON,
DISTRICT CHIRANG, ASSAM.

VERSUS

THE STATE OF ASSAM, REP. BY THE PP, ASSAM

Advocate for the Petitioner : H M S ELAHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 15-03-2024

Heard Mr. I. Hussain, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Rahmat Ali @ Raham Ali, who has been languishing in jail hajot, in connection with Bongaigaon P.S. Case No. 51/2024, G.R. No. 80/2024 under Sections 380/411 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one

ASI Chandra Kanta Boro, of North Bongaigaon Police Point, on 10.02.2024.

The essence of allegation, made in the FIR, dated 10.02.2024, is that in connection with Bongaigaon P.S.Case No. 51/2024 u/s 379 IPC while one Labu Kr. Boro was interrogated then he disclosed that he alongwith Lalu Prasad Boro and Dhonsora Bora of Chapaguri have stolen some articles like Water Pump Set, Rod cutter motor etc from the various places and sold the same to one Raham Ali and on being led and shown by accused Laba Kumar Boro, the aforementioned articles were recovered from the possession of Raham Ali and seized the same preparing seizure list.

Mr. Hussain, learned counsel for the accused submits that the accused was arrested on 10.2.2024 and since then, he has been languishing in jail hajat for last 35 days. Further, Mr. Hussain submits that the stolen articles have already been recovered from the house of the accused and that the accused had no knowledge that the articles he had purchased from the rag pickers, are stolen articles and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. Barua, learned Addl. P.P. produced the case diary before this Court and submits that the stolen articles have already been recovered and investigation has progressed sufficiently.

Having heard the submission of learned Advocates of both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P for the State respondent.

It appears that the stolen articles have already been recovered and seized from the possession of the accused. The co-accused have also been arrested and investigation appears to be progressed sufficiently. And as such, further custodial detention of the accused seems to be not warranted herein this case. And accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount

to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon, the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant