

GAHC010050102024



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

Case No. : AB/633/2024

SHAHURUF KHAN
S/O AYNAL KAHN, R/O VILL- BHOGDIA, P.O.-BHOGDIA, P.S.-SARTHEBARI,
DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T K BHUYAN

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

28.03.2024

Heard Mr. A. Ali, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for granting pre-arrest bail to the accused petitioner, namely, i.e. Shahruf

Khan, who is appending arrest, in connection with Azara P.S. Case No. 42 of 2024, registered under Section 407/420 of the IPC.

3. The case of the prosecution is that the accused/petitioner has misappropriated 300 packages which were being transported by him as a driver of the truck to deliver the same to the requisite location.

4. Mr. Ali, learned counsel for the petitioner submits that the petitioner is totally innocent and has no role to play in the offence alleged.

5. Mr. B. Sarma, learned Addl. P.P. on the other hand strongly opposes the prayer for anticipatory bail. He submits that out of the 300 boxes alleged to have been taken away by the petitioner while driving the truck in which the said boxes were being transported, only 50 boxes have been recovered. He further submits that since the petitioner is absconding, further investigation is not being able to progress.

6. Considering that the presence of the petitioner is utmost important for unearthing the truth, the application for anticipatory bail application at this stage cannot be granted. Accordingly, this anticipatory bail application stands rejected.

7. This disposes of the anticipatory bail application.

Send back the case diary.

JUDGE

Comparing Assistant