

GAHC010051362024



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

Case No. : Bail Appln./734/2024

TAJER ALI AND ANR.
S/O SAMNUR ALI
R/O TAMULDI, P.S. BOKO
DIST. KAMRUP (R), ASSAM

2: MOHIDUL ISLAM
S/O SUNAULLAH
R/O TAMULDI
P.S. BOKO
DIST. KAMRUP (R)
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

21.03.2024

Heard Mr. N. Hoque, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam for the State respondents.

This is an application under Section 439 Cr.P.C. praying for granting bail to the petitioners, namely, **1. Tajer Ali** and **2. Mohidul Islam**, who were arrested on 04.02.2024 and 03.02.2024, respectively, in connection with **Jagiroad Police Station Case No.11/2024** registered under Section 395 IPC (G.R. Case No.53/2024).

The case of the prosecution is that on 11.02.2024, at about 8-30 PM, one vehicle (truck) was robbed by unknown culprits constituting of about 8-10 persons by assaulting the driver.

Mr. N. Hoque, learned counsel for the petitioners submits that the petitioners are not involved in the offence alleged and they have been falsely implicated in the case.

On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor, Assam strongly opposes the prayer for bail. He submits that the materials available in the case diary reveals that the petitioners along with other accused persons have committed the crime alleged. He further submits that the petitioners are habitual offender.

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

It appears that there are sufficient materials collected by the Investigating Officer, which are available in the case diary, to indicate the petitioners' involvement in the crime alleged. It appears that there are more people who were involved in the

offence. However, they are yet to be arrested. It also appears that the all the articles have not yet been recovered. It further appears that the investigation is at active stage and as such, detention of the petitioners is required to unearth the truth.

In view of the above, this Court is of the considered opinion that the petitioners cannot be granted bail at this stage and accordingly, their prayer for bail is rejected.

With the aforesaid observations, this bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant